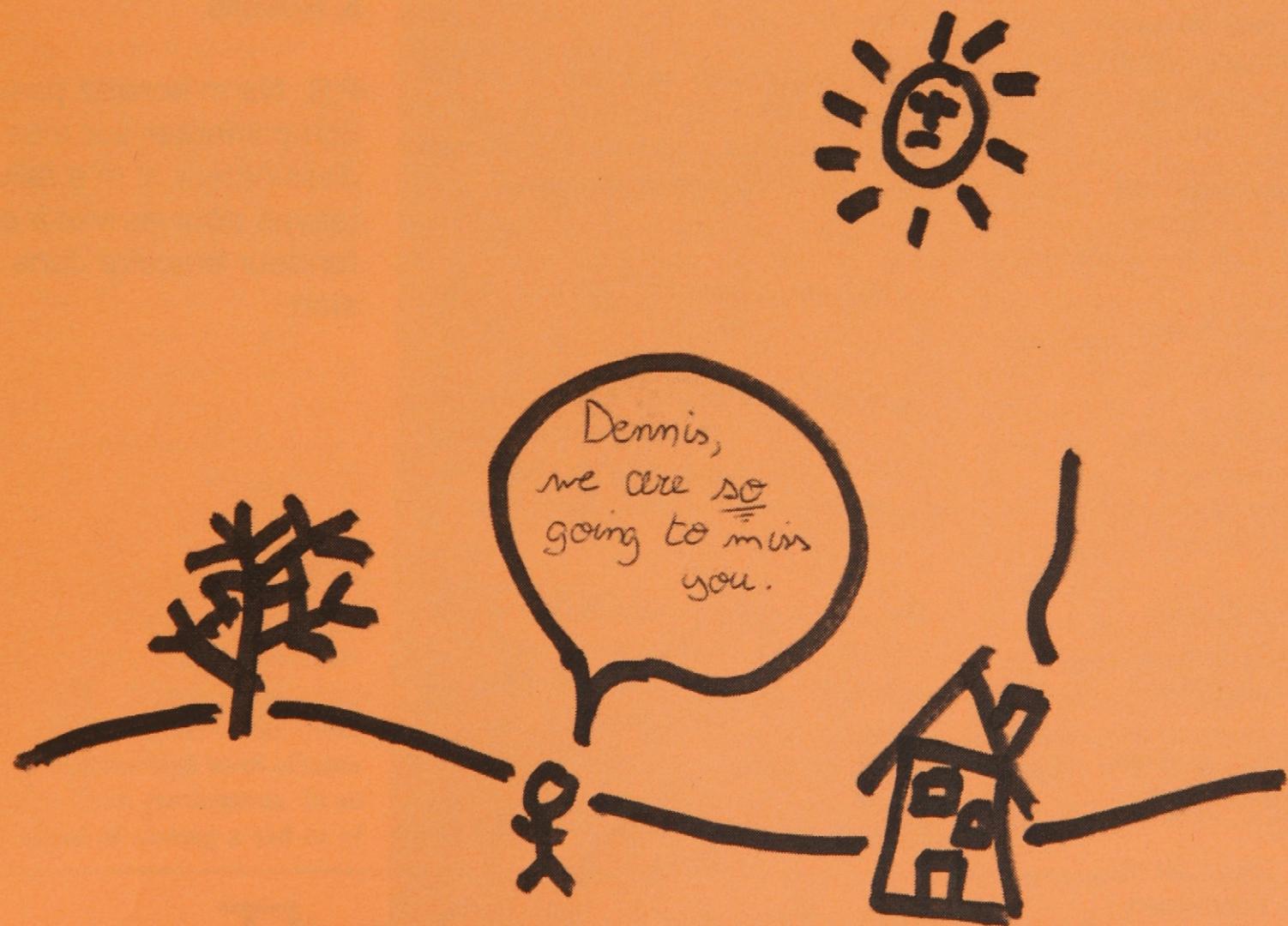


Quid Novi

McGill University Faculty of Law
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Editor's Note...

Ce numéro fait déjà 28 pages, je vais donc vous épargner des souffrances inutiles et m'en tenir à l'essentiel:

1) Dennis: on t'aime.

2) Tous les autres: on vous aime aussi. Mais on vous aimera encore plus si vous vous joignez à nous l'année prochaine; jetez un coup d'oeil à la p.27.

3) And, to whoever stole Brigitte St-Laurent's easel: man, you've got issues.

Aimablement,

Fabien
& Rosalie

P.S. Ne m'écrivez pas pour me complimenter sur mes talents de dessinateur. Il m'a fallu cinq tentatives pour arriver à cette profondeur émotive dans l'expression.

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Skit Nite Hasn't Made Me Any Friends

by Freddie Fischer (Law III)

It isn't easy running Skit Nite. I know because I have been heavily involved for two years. First I directed the show under the administration of Jeff Feiner and Lawna Hurl. This year I Co-Chaired the event with Pascal Zamprelli.

I have had a great deal of fun with Skit Nite over the last two years. I have worked with a number of very talented people. I want to name a few without whom the last couple of Skit Nites would have been something less than what they were. Prunelle Thibault-Bedard and Liz Hunter's dancing brought the shows class. Kevin MacCleod, Dennis Galiatsatos and the band, while not always properly appreciated, gave the shows their sound. Nadine Ellman, Shaheez Lalani, Lisa Kisber and the choir gave the shows a beautiful voice. Fraser Bourne, Tara Berish, Mike Sims and Mike Brazao gave the shows their face. Jerome Lussier, Stephen Courran, Pascal Zamprelli, Jason Crelinsten and Ken McKay's writing infused the shows with funny. Finally behind the scenes Val Vena, Jessica Braun, TJ Schmaltz, Brigid Quinlin and Eleasha Sabourin kept things running smoothly.

Working for Skit Nite, my main concern has always been improving the quality of the show. Those who can remember earlier Skit Nites know that they lasted close to 6 hours and were technically disastrous. My aim these last two years was to bring the show as close to three hours as possible and to set new standards for technical and theatrical quality.

In order to achieve these goals I made certain changes. First, I established a writing team that would be responsible for weaving a golden thread into the show, this team was also responsible for fixing weak skits and filling up empty show space. Second, I implemented three 'must attend rehearsals'. Third, I set a time limit of four minutes on each skit (with certain exceptions). Fourth and probably most controversial, I required that each skit be of high production value or face being cut. In short, I demanded a high level of commitment and quality from participants. In so doing I was not afraid of cutting a skit or of

meddling in its presentation.

The thing about performers, however, is that they do not like to have their acts touched. Furthermore, many believe their acts are beyond improvement. They are wrong. Not all acts are good from the start. Some acts are just plain bad, some acts are boring, some acts make no sense, some acts need technical help and some acts are just too damn long. If you want a good show there has to be some quality control. If there is going to be quality control then someone has to decide what is of quality and what is not. Someone has to be honest about what he or she sees. Someone has to be the prick. That's me.

So what did the audience miss this year because of this 'iron fist-ed' policy? Nothing was cut simply because I did not find it funny. Furthermore, nothing was cut to make room for my own or the writing team's material. Any and all changes that I made to the acts were made to maintain a minimum of quality and to ensure a better show. For example, I cut four skits outright because the show was too long (two of these were my own skits and two were written by the writing team). I pressured four skits to trim down because they were too long (some had reached ten minutes). The director and I made a number of recommendations to skits with the aim of improving their narrative and/or comedic flow. Finally, I cut one video skit because it was of poor technical quality (the sound was inaudible and every effort was made to salvage the skit including my working on it for two hours). These were not all popular decisions but they had to be made to maintain the quality of the show.

There are those who do not agree. Some people believe that there should be no control over what makes it into Skit Nite. These people, quite rightly, focus on the fact that Skit Nite is a charity and a community-building event. They are right in the sense that the concerns of the co-chairs must be diverse. The

primary aim should always be to raise as much money as possible (the show raised \$16 000 last year and at least that much this year). Furthermore, as a community event everyone who wants to perform should be given that opportunity. This does not, however, mean that anything and everything should make it into the final product. Skit Nite is still a show. There is a responsibility to the audience that takes precedence over the egos of the performers. Thus, as far as I am concerned, it is out of the question that 500-700 people be subjected to hours of poorly rehearsed, poorly conceived or poorly executed acts.

Naturally nobody likes it when someone else is the judge of quality - especially when

I know what gets laughs, I know what gets cheers and I know how to present it. If this sounds authoritarian and/or conceited that's because it is and Skit Nite has been a better show because of it.

it is one's own work being judged. As you can imagine, some of our own performers didn't like being told that their acts were found wanting (to be honest there were not many acts in need of intervention).

[Enter the prick.]

Chances are that I did them and the audience a favour. I make no pretensions at being an artist. I can't dance, sing or play a musical instrument but I know what gets laughs, I know what gets cheers and I know how to present it. If this sounds authoritarian and/or conceited that's because it is and Skit Nite has been a better show because of it. I make no apologies. To do so would compromise everything I believe in.

All this being said, the efforts of all those involved in Skit Nite are outstanding. These people are willing to brave my criticism and your rejection to achieve two goals: to make you laugh and to generate money for charity. The show's success has always been in their hands and they never disappoint. ■

The Quid is hiring!

Turn to page 27 for details

Une autre expérience de Skit Nite

par Julie Lassonde (Law III)

Tout a commencé lorsque je me suis demandée si j'allais aller à Skit Nite ou non. L'ambiance de cette soirée tant promise commençait à se faire sentir dans la faculté et le Skit Nite Coffee House a lancé la campagne publicitaire.

Le Skit Nite d'il y a deux ans m'ayant laissé un goût plutôt aigre, je n'étais pas très enthousiaste. Une fille qui saute sur les genoux du magnifique président de l'association étudiante. Des petits jeux de séduction poches entre le gars style matcho et la fille style girlie. Des groupes de filles qui dansent sur de la musique pop. O.K. Est-ce qu'on a besoin d'une soirée spéciale pour mettre ça en évidence? C'tu plate pas à peu près. Je dois quand même admettre que ça représente les intérêts d'une minorité d'étudiants de la faculté, mais pourquoi est-ce que ça prendrait toute la place? En fait, il y a une bonne proportion du public qui haïssent les stéréotypes hétérosexuels surchargés et surutilisés et qui trouvent qu'il y a d'autres façons de ramasser de l'argent pour Chez Doris. La présentation au Coffee House ne m'a donc pas donné plus le goût d'aller à Skit Nite puisqu'il s'agissait d'un gars qui descend des escaliers entourés de quatre filles qui dansent. Bon.

D'un autre côté, j'avais en tête quelques skits que j'avais aimé en première année, comme celui de Nadine ou d'Hanna, que j'ai encore appréciés cette année. J'avais donc espérer que quelques skits valent la soirée et que l'argent, après avoir payé les skits cons ainsi que les bons, soit utilisé d'une manière constructive.

Si je ne me suis pas dit simplement que je n'irais pas, c'est que je sais que cette soirée demande beaucoup d'effort de la part de plusieurs étudiants et qu'elle est importante, symboliquement, pour la faculté de droit qui est une des communautés auxquelles j'appartiens.

Par contre, si j'y allais, je voulais trouver le moyen de m'amuser et d'être à l'aise dans cette communauté. Sinon, c'est quoi le but de Skit Nite? Sûrement pas de faire chier les gens.

J'ai donc résumé mon sentiment en une

question : est-ce que la soirée va être spécialement conçue pour le regard masculin hétérosexuel? Peut-être que oui, peut-être que non. Je me suis dit que je pourrais produire des flyers qui soulèvent cette question afin de susciter la réflexion du public. Chacun peut répondre pour lui-même et ainsi voir l'influence des représentations des genres et sexualités sur leur appréciation du spectacle. Je voulais aussi personnellement m'habiller avec des vêtements qui jouent avec les images associées aux genres.

J'ai eu quelques discussions à propos de ça avec différentes personnes, dont des membres de Légale qui ont accepté de me donner de l'argent pour produire les flyers, dans l'esprit d'encourager mon désir de mettre en valeur d'autres genres de sexualité ainsi que des valeurs féministes. D'autres étudiantes, principalement, et aussi étudiants, m'ont dit partager mon sentiment et trouver intéressant de poser la question. Certains ont été un peu offusqués par cette réaction imprévue à l'événement ou encore n'ont pas vraiment compris l'idée. Cet intérêt porté par les gens m'a amenée à discuter de ça beaucoup plus

Est-ce que la soirée était faite spécialement pour le regard masculin hétérosexuel?

que je pensais au départ. La discussion a été enclenchée de façon informelle avec différentes personnes incluant des membres de l'organisation de Skit Nite qui m'ont proposé de monter sur scène pour exprimer mon opinion. J'ai décliné l'invitation puisque ce que je voulais vraiment faire était d'exprimer un point de vue en tant que public, le public étant un élément important de la survie de cet événement.

Le soir même, je me suis amusée, en tout cas plus qu'il y a deux ans. Quelques skits assez drôles comme Lose Yourself et les examens. C'est vrai que ça peut être assez violent comme processus. Les plaidoiries de Mathieu et Dinesh. La voix puissante de Lynne. La musique et le sketch d'Hanna. Les imitations et le talent d'acteur de Adam. Nadine qui nous

amène dans un univers qui défie les préférences sexuelles. En tout cas, chacun ses goûts. Il y avait peu de français mais tout de même, j'ai apprécié la chanson "Les oiseaux de papier". Il aurait été par contre utile d'avoir les paroles à l'écran pour aider le public. Bref, jusque là, probablement un très bon bilan.

Est-ce que la soirée était faite spécialement pour le regard masculin hétérosexuel? Après l'expérience, il me semble que oui, dans une certaine mesure. Par contre, j'ai été moins déçue qu'il y a deux ans. Un bon nombre de prestations n'étaient pas bourrées de clichés de ce genre.

On peut tout de même se demander pourquoi des trucs comme le fait de se déguiser en drag queen est si populaire? Je ne suis pas certaine de savoir ce qu'on a voulu dire en utilisant ces déguisements féminins. Mon expérience du drag est que ce n'est pas une clownerie mais plutôt un acte significatif pour la personne qui le fait et qui change la perception des autres autour, ce qui n'est pas banal comme expérience surtout lorsqu'on le fait ailleurs que sur une scène.

Une autre question se pose à propos du fait que plusieurs personnes se retrouvent dans plusieurs skits et qu'on a un spectacle qui dure au-dessus de trois heures. Est-ce que c'est vraiment nécessaire? Et est-ce que ce ne sont pas justement les gens qui se donnent corps et âmes à reproduire les clichés des sexy lawyers (ah oui? Peut-être faudrait-il avoir un peu de perspective après avoir été enfermés 24 heures sur 24 dans la faculté?) qui se répètent? Disons que lorsque ça arrive, ça donne une place disproportionnée à ce type de mentalité qui est seulement partagée par une minorité d'étudiants.

Lorsqu'on voit d'autres types de numéros, comme celui d'Hanna, ça permet de décongestionner la culture juridique et de s'humaniser parce qu'on voit qu'on est une communauté de personnes qui réagissent à leur environnement plutôt que de reproduire ce qui existe déjà. Tout le monde, moi inclue, peut se questionner par rapport à notre degré de vitalité.

C'est sûr que lorsqu'on va à Skit Nite, on cherche en premier à rire et à ne pas être sérieux. On n'a pas besoin de tout analyser en profondeur. J'ai d'ailleurs passé la soirée à m'amuser avec ce qui se passait autour de moi. Mais pour être moi-même dans ce rituel annuel, l'apprécier, et m'amuser vraiment, il me semblait nécessaire d'exprimer un point de vue différent en tant que public. Comme il n'y a pas beaucoup d'événements qui pro-

duisent des images aussi fortes dans la vie sociale de la faculté, c'est un moment privilégié où on voit des éléments de notre culture se déployer.

Bref, je tiens à féliciter tous les organisateurs et participants de Skit Nite. Il y a beaucoup d'énergie passée à préparer cette soirée et je pense qu'elle a été réussie à plusieurs niveaux. J'espère que ces pensées contribueront à questionner un peu la culture juridique qui ne se retrouve pas que dans Skit Nite mais aussi dans d'autres événements comme la vente aux enchères à Coffee House, les Jeux ridicules et éventuellement dans les partys de bureaux où plusieurs vont travailler. Il y a vraiment de la place pour faire travailler son imagination et se réapproprier ses espaces où les jeux de pouvoir s'opèrent à un niveau symbolique. ■

le lines.

This is formally, if not visually, different from the crossed hammers that run through Pink Floyd's The Wall. The social critique in The Wall is almost embarrassingly earnest and the appropriate reaction is horror at the mesmerizing effect of the totalitarian aesthetic. Round, on the other hand, invites a knowing laugh - after all, everybody already appreciates the emptiness of all ideology.

Unconsciously, Round adheres to the old Marxian conflation of ideology and illusion: once you've pulled down the veil, there's nothing left but bare reality. Now, we all know that Marx had an agenda for the replacement of the reification of exchange-value. In his view, unveiling the secret of the commodity form was the precursor to recognizing the exploitative nature of existing social relations and their isomorphism with the material conditions of production. Once commodity fetishism had been transcended, revolutionaries could get down to the business of building a society based on 'real' use-value instead of 'illusory' exchange-value. The apparent message of Round is much different. It perpetuates the Marxian notion, but implies that the satire's revelation of the emptiness of all ideology supports a refusal ►

Theorizing Skit Night

by Finn Makela (Law II)

In contemporary societies, democratic or totalitarian... cynical distance, laughter, irony, are, so to speak, part of the game. The ruling ideology is not meant to be taken seriously or literally.

- Slavoj Zizek

The Logic of 'Round'

The theme for this year's show was a perfect example of how the cynical detachment that ostensibly establishes

ironic distance is constitutive of (post)modern ideology. The recurring trope of the red circle is set up as an impossibly empty sign; a signifier with no signified. By their presence, the accompanying parodies of the revolutionary, intellectual, and evangelist let us in on the 'true' meaning of Round - that all ideology is just a pretext for the manipulation and administration of subjects. The poor schmuck who believes in politics, philosophy, or religion is as ridiculous as those who would free the world from the shackles of corners and paral-

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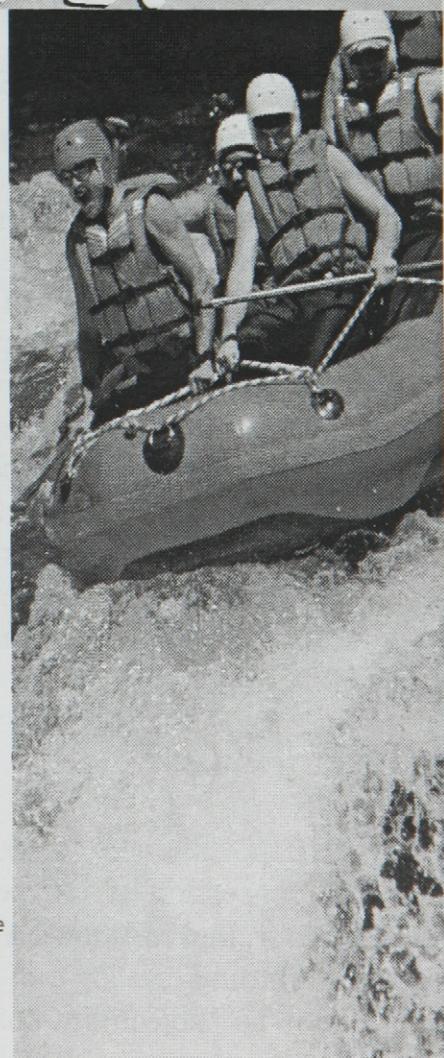
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to replace it. Consequently, Round is a kind of self-satisfied extension of Nietzsche's slogan declaring God's death. The only thing left to do is laugh.

The relation of this position to the role of cynicism and ironic distance is illustrated by the Law & Order spoof on the citationless *factum*. One of the detectives says: "you can't have a new idea. The whole point of the law is to repeat old arguments and old ideas, there's no creativity" (or something to that effect). We all laugh. To quote Homer Simpson: 'It's funny! It's funny because it's true. It's so true!' Of course, this doesn't stop us from integrating it daily into our material practices. As Zizek said 'it's part of the game'.

Among other effects, this justifies the study of the law as an essentially apolitical exercise. Since political commitments are empty, we are vindicated in approaching the law as 'it really is' - a mere technocratic apparatus. The successful corporate lawyer is thus revealed to be the Übermensch, finally freed both from the ideological illusions of slave morality and the ethical hangover of the Last Man.

Constituting our Law School Identities

But Marx was wrong, at least insofar as he has been interpreted as saying that ideology is merely an illusion to be torn down. As Althusser has pointed out, ideology is much more than just a set of mistaken beliefs. Instead, it functions materially at the level of

The "Sklar" skit does illustrate how others' perceptions condition a subject position.

institutions, which prefigure the subjects they interpellate. Thus the constitutive misrecognition that underpins the logic of commodity fetishism is at work in the structuring of all social life, and in particular the creation of the multitude of particular identities that bourgeois philosophy reifies into the conception of subjectivity as such. In what follows, I will try to make this clearer by looking at some specific skits and pointing out ways in which they structure the identities of their performers and of the audience.

Who is it? It's me!

It is important to remember that Althusser's conception of interpellation as a mechanism for the constitution of subjects functions according to a logic of misrecognition. There is no subjectivity until there is a

matrix of social relations that provide a space for its emergence. Babies are not born 'little subjects' - the development of the self occurs in a series of encounters with the Other. The hailing institutions thus function as Lacanian masters, not exclusively determining the content of discourse but setting the conditions of possibility of the symbolic order itself. Just as the Master signifier anchors a symbolic chain precisely because it is devoid of content describable within the discourse, the Althusserian 'Subject-with-a-big-S' is always outside of the field of subjectivity it underpins. In Kantian terms, we can say that the Other/Master/Subject is a transcendental precondition of subjectivity as such (clearly different in this sense from the bourgeois conception exemplified by *cogito ergo sum*). Thus just as the noumenal world is necessarily cut off from its phenomenal manifestations in experience, the 'nature' of the Other remains outside of identity but provides the ground for its possibility. Space limitations prevent me from expanding on the obvious analogies with Hegel's Lordship/Bondsman dialectic.

A mundane, but pertinent, example of the Althusserian mechanism can be found in the relation between name and identity. A newborn is no more 'naturally' a John than a François or an Ishmael. Later in life, however, when called the child will recognize himself as John and this is not just an illusion; he really is John. Shifting to a political context, we are not citizens in virtue of any 'real' state

of affairs that predates the State's interpellative hail. Yet when we vote, participate in debate and so forth, we are not delusional; we really are citizens. In each case the authority bearing institution (Family, State, etc.) 'calls out' to the individual who (mis)recognizes that the hail is directed to her. In answering, she reveals that she really is that which she was called to be.

The most obvious example of this mechanism at work in Round is the duelling Sklars. First, the audience is treated to an impersonation of the 'real' Sklar by a comedian. After the recognition that the comedian is playing the role of Sklar, Sklar himself comes on stage. Thus Sklar ends up occupying the role set out for him by the comedian's interpellative hail, revealing himself to be even more himself than when he is in the classroom. Needless to say, the whole thing is hilarious because we all know that Sklar is parodying the comedian who is parodying Sklar. He

becomes, in a very real way, a parody of himself.

Of course, I am not trying to assert that Sklar didn't exist as Sklar prior to the performance. But the skit does illustrate how others' perceptions (structured, obviously, by the ensemble of social relations and expressed in material practices) condition a subject position. Remember also, that despite the desire to nail down the moment of identity formation in naming through baptismal rituals, interpellation is a process rather than a discrete event. Stephen Scott's touching story about the way he was baptised with an idiosyncratic nickname at Skit Night, and how that nickname came to be part of his identity as it was recouped and reinterpreted over thirty years underscores the point.

A Class Act

A less apparent example of the relation between pre-existing social relations and the occupation of subject positions can be found in the skit featuring the Manitoba girl making good and going off to law school. Common perceptions of the rural working class are associated with a southern accent and a particular aesthetic. The skit delivers. Despite ►

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the fact that the players are western Canadians, and not southern Americans, they occupy the role set out for them by others' preconceptions.

I am not claiming that the participants in the skit actually believed somewhere in the back of their minds that they are interchangeable with the Beverly Hillbillies. The point, though, is that it doesn't much matter what they thought.

Whatever predilections we have for clinging to the Cartesian ego as the site of identity, the 'subjective beliefs' of the participants are not the issue. If you were to ask them, my guess is that they would say something like: 'what was funny about the whole thing is that we were laughing at the ridiculous ideas that people have about western Canadians'. But to use Zizek's re-appropriation of the Stalinist term, objectively there is no difference between the bigot and the person who mocks the bigot by imitating his position precisely. As long as the symbolic network has the bigotted nodes, reproducing them is just reproducing them, no matter how much ironic distance is taken 'inside' the subversive speaker's head.

To situate this again within the Althusserian model, ideology is not the private (false) beliefs of individuals, but the material social practices of subjects.

Race, Culture, and Language in Round

We all know the guy who says 'it's ok for me to make terribly racist jokes because you know me and really I'm not racist at all'. We are given an implicit version of this in both last year's Skit Night and Round with the figure of Lord Denning. Using the analysis that I outlined in the previous section, we can see how any subversive intent here is frustrated. The difference is that the role of Denning is not occupied by a member of the lampooned group, unless he is willing to admit that he is laughing at himself - i.e. he 'really' is a racist. Of course not. Instead, in order to legitimate the reproduction of the racist discourse, the audience is treated the participation of a paradigmatic subject of subaltern studies.

The figure of the generic Caribbean both

perpetuating and challenging the position of Denning can be characterized by what Bahbba calls the 'hybridity' of subaltern strategic responses to the colonizer's construction of Otherness.

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ry America. Bans on black participation in performance led whites to play black roles. In doing so, they amplified racist stereotypes, applying shoe polish to their faces and adopting exaggerated versions of slave speech patterns. When black performers eventually arrived sur scène, the parameters of 'blackness' had already been established within the genre. The result was black actors wearing shoe polish and speaking in the voice that had been determined for them by the previous generation of white actors. The culmination of this trend appears in the Amos'n'Andy Show.

The rise of rap music in the last twenty years shows a more promising, but nevertheless problematic illustration of a similar strategy. NWA and Ice-T were pioneers of destabilizing the constitutive power of the oppressor's language by adopting it as their own. They thus attempted to challenge the construction of 'ghetto boyz' by performative re-appropriation of the established identity. Whether this has actually subverted the stereotype's othering function or merely reinforced it is a debatable point.

Rather than pronounce definitively on the fit of this approach, I will simply suggest that a loose analogy can be made with the previous arguments I have presented and both the Denning skit and the South Asian mooters who claimed his success was diet-related.

Last year's Skit Night projected at least minimal tokenism in the portrayal of the linguistic makeup of the faculty. Round, in keeping with its 'anti-ideological' theme, had no such pretensions. Francophone participation was virtually absent, and the small number of francophone references invariably positioned the French language as the bab-

blings of the Other, characterized either as unintelligible or irrational.

In the Manitoba skit, once the imagined hillbilly starts reading the French section of her acceptance letter, it quickly transforms into a bwwaaa bwaaa bwaaa of nonsense. Likewise with the French moot. In the interview with the francophone mooters, he degenerates into a series of rapid-fire expletives. It's funny because it's French. Imagine if the anglo mooter's interview included 'those god-damned motherfucking judge sons-of-bitch assholes...' etc. Presumably this would have been seen as in unacceptably bad taste. One of the underlying messages is that swearing in French is not really swearing - it's in anOther language and so doesn't have the same normative force.

Gender, Gender, Everywhere!

The nature of the messages, roles, and positions of gender in Round were so blatant that there is really little need to go over them. In fact, this has apparently been done by one of our colleagues who (I have heard only by rumour) distributed a pamphlet decrying the gender dynamics at the show itself. A few small examples: the valley-girl mooters, the pregnant drunkard hillbillies, the object-of-desire dancers, and King Feiner's girlfriend.

Postscript

Who the hell do I think I am anyway? What gives me the right to go spouting off about all of this? The answer lies in the fact that the interpellative functions of faculty institutions generally, and Skit Night specifically, work on me as well as everybody else. The hysterical reconfiguration of general assemblies in the King Feiner skit illustrates this nicely. I have been positioned, both by the concrete social practices of the faculty and by my 'own identity' (i.e. the totality of subject-positions constituted by my personal history of interpellative hails) as exactly the person from whom shrill responses are to come. All the better if the response confirms that I am 'the type of person' likely to 'use words like geist and dogma' and 'use his precious philosophy... knowledge in the process'.

The proper response to this is undoubtedly laughter. After all, in the face of a pretentious hodgepodge of indecipherable philosophy randomly applied to something just meant to be a bit of fun, all in order to support a tendentious political position - what else can you do? ■



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Fuel for the Funding Fire

[or, Can't We All Just Get Along?]

by Noah Billick (MBA/Law I)

I must have touched a nerve.

In last week's Quid there were four articles criticizing a diminutive piece that I published the week before. Entitled "Privatization: A Reconsideration", the piece was an attempt to inject a practical alternative into a debate that has, in my opinion, been overwhelmingly dogmatic. I naively tried to exclude politics from my piece; in retrospect, I realize that the funding crisis, like all great conflicts, is fundamentally political. One cannot expect to wade into the funding morass without confronting the political currents that are so easily imported into the funding debate.

Surprising as it may sound to my detractors, I am not wedded to a particular political-economic philosophy. Yes, I am a capitalist, but I disdain capitalism in its most extreme forms (e.g. industry without regulation, the intentional deception of investors, Bush's tax cut, 30-50% of which goes to the richest 1% of the population¹, etc.) I think that the Canadian and northern European models of "social democracy", while flawed, are pretty darn good. Am I a Rightist? A Leftist? A Radical? Frankly, I haven't thought about it, but I know that I don't trust any particular political dogma or philosophy. Anything that disallows open discussion because it challenges the prevailing order is my enemy, and among the McGill Law student body, there is a vociferous minority that feels the need to pillory anyone who disagrees with its worldview. Consider Finn Makela's response to my piece. Finn cynically (or defensively?) asserts that my radical belief that education is a human right is no more than mere "rhetoric". He then writes that someone named Ross Finnie "makes variations of the same" arguments that I made, and Finn asserts that Mr. Finnie's arguments are based on "bullshit assumptions". What does that make my arguments, bullshit-by-proxy? Finn, I know you as my classmate in Crim who makes articulate, intelligent comments. But your rhetorical flourish was insulting and unfair. Of course, I expected a passionate response to my piece, but what did you add to the discussion by invoking an argumentum ad hominem? Note that my complaint has nothing to do with the

substance of your piece. I enjoy a good debate, and I recognize that there is no simple solution to the funding crisis. The Law School and the Quid need your brand of politics, Finn, because radicals shift the dominant orthodoxy a few degrees in one direction or another, and that generally is good for the community as a whole. But crude insults do nothing to advance the discussion - they just stifle it.

If Finn's rhetoric was petty, Antonio Iacovelli's was pretty. Antonio variously characterized my piece as "an Orwellian exercise in doublethink of acrobatic proportions", and as a "socially atavistic and dangerously reactionary proposal that we must never even consider except to enjoy it as an example of scathing Swiftian satire that censures the government's unwillingness to solve a real problem." Hyperbole, anyone? Antonio, I don't think that there is any idea that "we must never consider". I think that the only thing that should be banished from academic discourse is the refusal to consider new ideas. Anyways, are my ideas really that dangerous?

Apparently, I have brushed up against some sacred cows. And that is precisely the problem. The funding crisis is a real dilemma, affecting every member of the McGill Law community in a variety of ways, whether silly (no #*\$*&! plugs for laptops), symbolic (crumbling walls), or serious (professors unable to secure sufficient research budgets). But rather than make a concerted effort to solve the problem, participants in the conversation have remained inflexible and dogmatic. The only plan they propose is to lobby the government

for an increased handout. But successful lobbying would take years, and

McGill would inevitably find itself in a similar funding crisis some years later, seeking yet more money. Such a proposal only delays confronting the problem.

Jared Will and Alexandra Law both raise important issues. Jared's article is in the spirit of academic discourse I hope to see more of in

the Quid: objective, unemotional, devoid of gimmickry. I loved reading what he had to say, and I encourage Jared to continue his contributions to the Quid, even if I don't agree with his ideas. Alexandra criticizes the methodology of the U of T study - and as someone who has studied statistics at a masters' level, I can say that some of her criticisms are justified, and some are not. But, her point remains salient: the U of T study is flawed. (In the spirit of full disclosure, I should note that I have repeatedly attempted to get my hands on a copy of the report. My efforts have repeatedly failed. I do not take this as a good sign. I think Twain said it best in his autobiography: "There are three kinds of lies: lies, damned lies and statistics.")

An effective solution to the funding crisis will necessitate some compromise. Any student of financial or economic theory knows that any increase in tuition - even a one-dollar increase - will result in a smaller group of applicants. Those most price inelastic will drop out of the market. The efficient frontier will shrink. I hate this reality, but I am pragmatic, and I want McGill Law to remain a first-class institution, so I accept it. Our response - as members of the McGill Law community who want to ensure accessibility while addressing funding issues - must be to increase fees only enough to address funding concerns while creating an effective financial aid program (Finn, I know this is possible. At the American liberal arts college I attended, over 80% of us received some form of financial aid. My brother-in-law will graduate from Harvard Business School this year - over 90% of his classmates received financial aid, in the form of loans, grants, payback holidays and loan forgiveness programs, determined by the student's salary and total debt load at graduation. So I know it can work. It works like a non-profit insurance company. It's a job for the actuaries. If the insurance companies can do it and be profitable, why can't McGill do it

Anything that disallows open discussion because it challenges the prevailing order is my enemy, and among the McGill Law student body, there is a vociferous minority that feels the need to pillory anyone who disagrees with its worldview.

and be unprofitable? Antonio, I have read and re-read your arguments against financial aid, but I concede that I simply don't understand them). Obviously, many people don't fully understand that debt (a.k.a. "leverage") is a tool that can be used or abused. Properly used, leverage can multiply benefits - improperly ►

used, leverage multiplies losses. It's not inherently bad. So you can give me all the arguments you want about positive externalities and other such whimsy, but in the final analysis, the individual who benefits most from higher education is that individual and his or her immediate family. Given that McGill direly needs the cash, and given that, anecdotally speaking, 80% of McGill Law grads go to work in the corporate field, that individual should shoulder the responsibility of paying for his education, unless the education doesn't increase his or her earning power. We can develop a financial aid plan that accounts for these kinds of circumstances. But debt-phobia

ignores a viable tool that we can use to develop a plan to bail out the faculty. Remember, I am not talking about a utopian or idealistic vision for the direction higher education should take in Canada. Other people can do that job better than I can. I just want to help solve our current problem.

We can argue ad infinitum about who should pay for education, whether it should be an individual or a social burden, etc. Frankly, I don't care for the debate beyond its application to the problem at hand. I believe that funding should come from within, but I am unsure whether the solution is to have wealthier students subsidize poorer students, or

whether a financial aid program is the best solution, or if the solution should come from somewhere else entirely. I don't have all the answers. But the status quo is no solution at all.

Postscript: Hats off to Jeff Roberts for his courageous piece in last week's Quid ("War in Iraq Forum"). I call on all my fellow students to confront hypocrisy, one-sidedness, and anti-intellectualism in all its forms. After all, this is law school, right?

¹Website for the National Center for Policy Analysis, at <http://www.ncpa.org/pi/taxes/pd101600a.htm> ■

War: What Is It Good For?

by Steven Wallace Lowe (Law I)

Perhaps the most difficult question one could ever be asked to contemplate is should I stay or should I go to war. I respect the anti-war protestors who do not want to see innocent Iraqis die. I don't either. But while the hearts of these protestors — mostly from the left — are in the right place, they need to "get real." The "peace" crowd is arrogantly naive in thinking that this war is

unnecessary and that it will do more harm than good. And what makes their case even less compelling is that they have failed to offer any viable alternative other than force that would ensure Saddam Hussein disarms.

I support this war because: 1) it is necessary — the choice is simply now or later; 2) it promises to free the Iraqi people from a nefarious tyrant; and 3) it promises to rebuild Iraq

and establish democracy in the Arab World. This is not to say that there aren't risks, namely that Saddam may launch a WMD attack or instability may spread through the Middle East and fuel militant Islamic terrorism. However, these risks are more likely to increase the longer we wait. The time to act was yesterday. And quite frankly, I find it dishonourable that Canada will not participate in a war that seeks to achieve such monumental good. It embarrasses me that the members of the international community were given the opportunity to do the world a great justice, but they failed to step up to the plate and live up to their responsibilities to deal effectively with this serious threat to international peace and security. Thank God the United States, Great Britain, and a number of Eastern European countries — whose people still remember what it is like to live under an authoritarian regime — possessed the will to do what must be done.

1) The war is necessary

Some left-wing doves have presented the argument that inspections were working and that Iraq was disarming, and, therefore, the use of force was not necessary at the time.¹ But they fail to give proper weight to the fact that, 12 years and 18 Security Council resolutions later, Saddam Hussein has still not disarmed!!! In fact, he has been evasive and disingenuous in his promises to disarm since day one, which, by the way, was 18 April 1991. On that date, Saddam violated Security Council resolution 687 by failing to disclose a list of his nuclear usable materials and chemical and biological weapons as well as the locations of his ballistic missiles. On 8 December 2002, Saddam reported to the Security Council that he did not have any chemical and biological weapons. Even France does not believe Saddam is not in

Tales from Toronto

by Julia Gray (Law II)

I was in Toronto last weekend and spent some time with my friends from undergrad, most of whom are law students at University of Toronto or Osgoode Hall. Now I don't have any statistical proof to back me up, but the stories they were telling of life at these two institutions were not at all encouraging and certainly wouldn't support those heralding privatization as the way to go. As the first classes to get hit with the major tuition increases, they felt like they had paid a lot of money and had seen few benefits for the all cash they paid out. Specifically, none of them had received any financial aid, despite heavy debt loads, and even complained of situations like the very sad state of the women's washrooms at U of T, which apparently are rarely stocked with toilet paper. In fact, U of T law is cutting \$ 1 million dollars from their budget this year, much of which is directed towards student services. On the upside, I hear that they have a lovely new solarium! I'm sure that's what every law student wants.

Several of my friends are clerking at courts next fall for their articles, which would qualify as non-corporate entities under U of T's classification. However, something that was probably not picked up by the study done by U of T is that fact that these people all have cushy Wall Street and Bay Street jobs waiting for them as soon as they finish at their respective courts. Not a one accepted their clerkship positions without getting assurances from the firms they had summered with that they would be welcome back as associates the next year. So, while they might be counted as graduates who have taken public service positions, after a year's reprieve they are heading to corporate firms to work off their debt loads.

This is all just hearsay and, as such, can't really go up against the force of statistical evidence. But if you want to read what U of T students have to say about the methodology used in the report, check out the Ultra Vires editorial at http://www.ultravires.ca/jan03/editorial_provost.htm. I especially like the part about how the Provost rejects the use of narrative accounts as unreliable evidence in their "scientific" study. ■

possession of such weapons. And we should not overlook the fact that, were it not for the deployment of 250,000 American and British forces on his doorstep — which, by the way, cost the US about US\$9 billion to establish —

The Bush administration, quite rightly, determined Saddam to be a perpetual threat to the American people, since he is a psychopath that will never stop trying to acquire WMD.

the second round of inspections would have never even taken place.ⁱⁱ

And even if inspections were eventually successful, how long do you think Saddam would have remained disarmed? Do you think that he would have completely changed his character and goals once the inspectors and the troops had left? Do you think he would have “learned his lesson”? In case you are not aware, Saddam does not believe he lost Gulf War I (GWI). As far as he is concerned the war is still on — after all, he remains in power. Saddam is 66 years old and could remain in power for another 25 years. This would likely be followed by decades of his sons’ rule, both of whom are just as maniacal, if not more so, than their father. Unless the inspectors and the troops stayed for the next 50 or so years — and no such proposal was ever contemplated — Saddam would accelerate his aims whenever the international community’s eyes were focused elsewhere. I mean, for crying out loud, we know he is going to keep trying, and we cannot be sure he will not succeed. This is a war of choice, yes, but that choice is now or later, and later may be too late.

And for those of you who cannot understand the American position, you need to understand something about Americans —

September 11th shocked the living crap out of them much more than you realize. In the period between the end of the Cold War and September 11th, most of the American public felt relatively secure. Not anymore — they feel vulnerable, and they really, really, really don’t want another such attack to occur on their

soil again. American presidents, as commander-in-chief of the armed forces, take an oath to protect the American people, and they take this oath very, very, very seriously. The Bush administration, quite rightly, determined

Saddam to be a perpetual threat to the American people, since he is a psychopath that will never stop trying to acquire WMD. Given the potential catastrophic consequences, Bush is not going to wait to see if Saddam succeeds. Whatever else is at play — e.g., liberation/democracy, al-Qaeda,ⁱⁱⁱ oil, preserving American preponderance, “wag the dog,” personal enmity between the Bush’s and the Hussein’s, etc. — you must understand that protecting the American people is Bush’s primary motivation, and no president is going to give a flying fig what France or any member of the UN thinks in such cases of supreme national security. Bush received substantial majorities from both houses of Congress to use force against Saddam, and that is all the authority any American president needs.

And if you think France, Russia, and China oppose this war because they care about the UN and international law, then you are embarrassingly ill-informed. None of those countries sought UN approval for their respective — and unjust — military actions in the Ivory Coast, Chechnya, or Tibet, for

example. And I don’t believe France sought UN approval either when it achieved its greatest military victory of the past 80 years. I am, of course, referring to the glorious 1985 bombing of the mighty Greenpeace vessel, *Rainbow Warrior*, whose crew had the nerve to protest France’s testing of nuclear weapons in French Polynesia.

The truth is that there have been over two hundred conflicts since the UN was founded in 1945, yet the Security Council has authorized war on only two occasions — Korea (while the USSR was boycotting the Council) and GWI. What about Kosovo you ask? Well, that war was “illegal” as well. NATO failed to receive a Security Council resolution authorizing the use of force, and self-defence under Article 51 of the UN Charter did not apply. But many people, including left-wing hawks like myself, believe Kosovo was a just intervention. Enhancing the rule of law at the global level is a noble aspiration, but we’re not there yet. Why hold the US to a different standard now? Given the immense threat posed by Saddam Hussein, it is ridiculous to base our conclusion regarding the legitimacy of a particular war on whether or not all of the Permanent Five — each of whom acts according to their own national interests — agree to authorize the use of force.

The left-wing doves cling to the UN, but they are blind to the reality that Saddam Hussein, like Hitler, Stalin, and such ilk, ►

Latin American Law Students’ Association (LALSA)

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Wednesday 26 March 2003 at 13h00 – CCL 101

----- Alejandro J. Olivieri -----

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only respect one thing: power. Absent the use of force, it is clear that Saddam will never cease from attempting to revive his WMD programme. If it was Hosni Mubarak of Egypt who wanted WMD, then the situation and the arguments would be different, but given the atrocious history and personalities of Saddam and his sons, the world cannot permit WMD to become part of the Hussein arsenal. Since all attempts to deter Saddam have failed, we have reached a point where, unless you are wearing the most twisted rose-coloured glasses, we must resign ourselves to the fact that Saddam must be removed. I would support an attempt to assassinate Saddam, if the opportunity presented itself. As this is difficult to accomplish and unlikely, military force is the only viable option left.

2) Disposing of a Despot

Throughout the past centuries, countless "leaders" have treated their citizens horribly, yet nothing tangible was ever done by the members of the international community to stop the grossest atrocities imaginable. In the 20th century alone, no one stood up the Turks, who committed genocide against the Armenians, or Stalin, who killed 25 million of his own people. No one was there to stop Pol Pot from murdering 1 to 2 million Cambodians in the 1970s, or Hutus from hacking 800,000 Tutsis and moderate Hutus to death in Rwanda in 1994, etc., etc. Now, we did topple Hitler, but we were about 10 million corpses too late. I don't know about you, but I have had enough of this. It's time to clean up the neighbourhood.

With the support of both the Americans and Europeans, Saddam seized absolute power in 1979. By 1987, he had amassed an impressive arsenal, including the fourth largest army in the world, medium range missiles, biological and chemical weapons, and a nuclear weapons development program. He has always relied on violence to preserve his murderous, criminal regime. In Iraq, freedom does not exist, and those who exhibit dissent — even members of his own family — can expect to be executed. Saddam has attacked four countries, and he has used chemical weapons against Iranians during the Iran-Iraq War, 1980-88. During GWI, he created environmental disasters when he pumped oil into the Persian Gulf and when he ignited oil wells upon his retreat from Kuwait. In addition, his troops commit-

ted war crimes against civilians during the occupation of Kuwait. Saddam has also killed thousands upon thousands of his own people. In March 1998, for example, he gassed 5,000 to 15,000 Kurds in Halabja. We in the West did not pay much attention at the time unfortunately. Of course, Saddam's desire to destroy America and his particular hatred for presidents named Bush is well known. In 1993, his agents even planned an assignation of Bush Sr., but this effort was thwarted and the plotters arrested. Saddam has also encouraged Palestinian suicide bombing by giving the families of bombers US\$25,000.

Saddam also bears responsibility for the failure of economic sanctions and the humanitarian crises in central Iraq since GWI. I think it's fair to say that, when the sanctions were implemented, the international community could not predict how effective they would be. Unfortunately, Saddam has always remained a rapacious tyrant, who chooses to let his people die of starvation and disease rather than disregard his aspirations of grandeur. Since Desert Storm, he has built dozens of palaces costing billions, even though some of his people desperately required food and medicine. It is Saddam and not the UN Security Council that is ultimately responsible for the suffering of Iraqis under the Oil-for-Food program. Despite this fact, the international community must recognize that sanctions have not worked and that innocent Iraqis are suffering. As such, the Security Council bears responsibility for continuing the sanctions well beyond the point that it was

Since all attempts to deter Saddam have failed, we have reached a point where, unless you are wearing the most twisted rose-coloured glasses, we must resign ourselves to the fact that Saddam must be removed. I would support an attempt to assassinate Saddam, if the opportunity presented itself.

clear that sanctions were ultimately hurting the people of Iraq. The only avenue that remains to help the Iraqi people is to remove Saddam, and the only way to do that is by force.

I was elated when Pinochet was discredited and Milosevic was dethroned and charged with war crimes. Unfortunately, there still remain a number of "leaders" that abuse their own people and wish to inflict catastrophic harm on their neighbours. We may not be

able to get rid of all of these pieces of crap, but that does not mean we shouldn't remove *bona fide*, mass-murdering dictators who are within our power to remove. "Great Uncle" Saddam, whose acknowledged role model is indeed Stalin, fits the bill — he is the embodiment of radical evil. There is no way he should be allowed to rule a people or to possess WMD. And if Americans and others are actually willing to risk the lives of their sons and daughters in the military in order to remove one of the most repressive despots the world has ever seen, well, that's something to applaud. And I say this even though I know Bush is not motivated by a passion to provide succor to the Iraqi people. America's desire to protect itself will not always coalesce with my personal desire to help the helpless of this world, but when they do, I view it as an opportunity that shouldn't be wasted, especially if the end result is freeing a nation from the grip of a genocidal criminal.

3) Reconstruction and Democracy

Assuming the American-led coalition will win this war — and they will likely win quickly — many critics suggest that disarming Iraq through regime change would not result in an improved peace. I disagree. Once Saddam is defeated, members of the US-coalition, the UN, and countless NGOs will work to distribute massive amounts of humanitarian aid to the Iraqi people. Now, Bush will not stick around any longer than he deems necessary, so the international community should be prepared to continue supplying the aid if the Americans either leave or if they focus on other matters, like security, in post-Saddam Iraq. The bottom line that once Saddam is gone, it is well within our power to ensure that Iraqi babies don't starve to death anymore.

I concede that it will be difficult to create a stable governmental system that satisfies the needs of the Kurds in the north, the Sunnis in the middle, and the Shiites in the south, not to mention the Americans and the Turks. Yet I believe it can be done — it will, however, require copious amounts of time, money, and energy. Regardless, it is worth the effort. The Americans plan to setup a transitional administration with the goal of eventually transferring power to the local populace. One might question whether the Americans will establish a "true" democracy or prop up a puppet. Well, we may have to work on the Ame-►

ricans a bit to make sure that the interests of the Iraqi people are well respected. It might be worthwhile to try to convince the Americans to hand over the reins of the transitional administration to the UN after a certain level of stability has been achieved in Iraq. The UN has experience in this area. Bush, who doesn't like nation-building, may refuse nonetheless. He would likely have been warmer to the idea, however, if the members of the Security Council had helped him remove Saddam. He owes them nothing now.

Most importantly, we must ensure that Iraq's oil is managed in a manner that serves the Iraqi people. But to the victors go the spoils, and so I do expect Americans will grab a few benefits for themselves, like all the drilling contracts. On the other hand, it would not surprise me if Bush is serious about establishing a "true" democracy in Iraq. Bush must understand that his post-war actions in Iraq will go a long way to winning — or losing — the war on terror. I think he may actually be starting to understand that the dearth of democracy, the abundance of poverty, and the lack of education in the Middle East represent the root of militant Islamic terror. If Bush does the right thing for Iraqis, anti-American sentiment in the Arab world might just decline. In case Bush does not understand this, we should tell him constantly.

Conclusion

With respect to international law, Security Council approval can be considered a stamp of legitimacy, but the absence of that approval is far from tantamount to the absence of justice with respect to a given military action. This war, like Kosovo, is illegal under current international law. Illegal or not, this is a just war, because it will remove a serious threat to international peace and security, free the Iraqi people from tyranny, and establish a democracy in the Arab world. If you want to help enhance international law at this point in time, you should put your energy behind prosecuting Saddam and his minions with war crimes,

and not protesting the efforts of the brave men and women who are risking their lives to destroy radical evil. Of course, feel free to investigate allegations of coalition war crimes as well. You should also begin to think about post-conflict Iraq, in order to ensure that the interests of the Iraqi people and the principles of democracy are well respected.

The US is not acting primarily for the good of others, but if you are inclined to vilify the US for acting in its own self-interest, you must also respect the fact that all states act this way. Do you think France, Russia, and China oppose the war, because they care about the Iraqi people? Hardly. Let's take France, for example, since they really deserve the credit for the Security Council's failure to pass a second resolution. France has loans and lucrative drilling contracts with Saddam, and they don't want to see those deals voided by the war. They also have other business dealings in the Arab world, which they would like to keep stable. France is also home to 4 million Muslims, so supporting an attack on Saddam may create instability inside France itself. The point is that France cares about France. I mean, they even helped Saddam build a nuclear reactor, which Israel destroyed in a pre-emptive attack in 1981. If it had not been destroyed, Saddam would have had nuclear weapons when he invaded Kuwait, which means he'd still "own" Kuwait, and perhaps Saudi Arabia as well, because GWI would not have been fought. In the case at hand, the US is also acting in its own self-interest, but unlike France, America's interests mesh with the interests of humanity, and that's good enough for me.

The left-wing doves need to "get real." We have entered a new era, and the old rules of international law are woefully inadequate to respond to the threats of the 21st century. If you disagree, let me ask you this: if a captured terrorist had knowledge that a nuclear suitcase bomb was set to go off — which could result

in one hundred thousand deaths — should that person be tortured to reveal what he/she knows? If you, like me, had assumed that torture was always wrong, then this question may have just blown your mind. And if that happened, you just might begin to understand

Thank God the United States, Great Britain, and a number of Eastern European countries -- whose people still remember what it is like to live under an authoritarian regime -- possessed the will to do what must be done.

what the hell we are in for, and how international law, while not completely irrelevant, is currently incapable of playing a decisive role in the realm of international peace and security. This does not make the UN irrelevant — it must continue to perform various humanitarian, peacekeeping, and post-conflict functions, for example. But the stakes are too high to count on the UN to deal with WMD in the hands of irrational "leaders," who cannot be trusted to play the deterrence game. For more than 4,300 days, Saddam has refused to comply with the will of the international community. Because he is a psychopath who will never stop trying to acquire WMD, and since we can't keep our eyes on him forever, it is practically a given that he would eventually succeed in acquiring the ability to deliver a catastrophic attack. What options would we have to disarm Saddam and help the Iraqi people then? Left-wing doves? Hello? Anybody there? That's what I thought. Welcome to the Big Leagues.

ⁱ Note I will not respond to pacifist arguments, other than to say that anyone who believes that force is *never* a legitimate option never met Hitler.

ⁱⁱ Saddam kicked out the first round of inspectors, UNSCOM, in 1998.

ⁱⁱⁱ The US has not produced conclusive evidence of any links between Saddam and al-Qaeda. Regardless, we do know that al-Qaeda will be a part of this war. Beyond asking Muslims to rise up in support of Iraq, al-Qaeda personnel are in the area and are expected to engage American forces. Also, the argument has been made that Saddam and bin Laden would never be allies, because Saddam's secular outlook and bin Laden's extremist Islamic bent are at odds. But war, like politics, makes for strange bedfellows. If you remember, we in the West were allied with Uncle Joe Stalin, the most prolific mass murderer in human history, in order to eradicate a shared enemy — Hitler's Nazi Germany. Today, Saddam and Osama share a similar desire to defeat a common foe, the United States of America. It is the contention here that a bin Laden-Baghdad pact is more than plausible. ■

"TERROR AND HUMAN RIGHTS" BROWN BAG LUNCH

Is there a false dichotomy between individual freedoms and state security? Is freedom from terror itself a human right? On Friday, March 28 at 12:30pm in room 201, Member of Parliament and McGill Faculty of Law Professor Irwin Cotler will be speaking on "Terror and Human Rights." Everyone is welcome to join in this topical discussion.

The event is co-sponsored by the Jewish Law Students' Association and the Human Rights Working Group. Refreshments will be provided. Contact David Grossman at david.grossman@mail.mcgill.ca for further details.

MCGILL LAW WOMEN'S

Two weeks ago, the McGill Law Women's Caucus participated in the Commission on the Status of Women (CSW) 47th annual session at the UN in New York City. The CSW is the functional commission of Economic and Social Council overseeing issues related to the advancement of women in the UN. Since 1995, the CSW has been monitoring the implementation of the Beijing Platform of Action and the Beijing +5. This year the Commission focused on two thematic issues: (1) Participation and access of women to the media and information and communication technologies; and (2) Elimination of all forms of violence against women and girls. Our delegation included Katherine Ramsey, Janina Fogels, Andrea Sepinwall, Christina Zahar, Jameela Jeeroburkhan, Christine Stecura, Natasha Wallace, Natasha Himer, Susan Martyn, Victoria Shen, and Viktoria Wagner. This Wednesday (March 26) at 12:30 pm in Room 101, we're hosting a brown-bag lunch to share our experiences and let interested students know how to get involved next year. Everyone is welcome.

Observations: 7 March 2003

Christine Stecura (Law I)

I am listening to a woman from Mali speak about the role of the media and Internet in her country. In the past ten minutes I have watched about 7 helicopters take off from the main UN building across the street. The view is breathtaking: the smooth modern lines of the UN Headquarters set against the East River and Queensboro bridge. I am still rattled by this morning's registration process: After living in China and travelling in Europe after the September 11th attacks, I have been accustomed to thorough security checks and I have little problem with taking off my shoes for security personnel, but I am still disturbed by the men with Uzis threatening protestors to keep walking along First Avenue and not to attract the media clamoring for a sound bite across the street.

There are only two men in this room. I am told that there are very few women in the Conference Room 1. I can't confirm this because I am not allowed into Conference Room 1. I only have access to Conference Room 2 where the negotiations for the Beijing Platform for Action, concerning women's human rights and elimination of all forms of violence against women and girls, are being discussed. I found the dialogue very inspiring but during lunch breaks, UN workers were crowded around television sets watching CNN and CSPAN listening to debates taking place concerning the disarmament of Iraq and the US petition to gain support for war. No one was talking about the Conference Room 2 negotiations. When I left the main building to attend panel discussions across the street at the Church building, the swarms of media were not asking any of the attendees about the trafficking of women, rape legislation or women's health. Even when I called home, my parents did not ask about the panels I attended. They wanted to know if I had seen Colin Powell roaming the UN hallways (Yes Dad, we had lunch and I advised him on a few issues after he confided his apprehensions to me). When I glanced at The New York Times, there were no headlines reporting that the eradica-

tion of poverty deadline had been pushed forward from 2015 to 2050 and that many of us would never see this accomplished in our lifetimes.

I would like to sneak into Conference Room 1. It is painful to be so close yet so far away. I have spent the day listening to inspiring stories of strength, hard work and conviction by individuals and groups working intensely to realize peace, gender equality, development and empowerment. (Now, to those who will no doubt scoff at the following, allow me some leeway, as I am also a cynic and aware that the following is naïve, simple and idealistic). What would happen if the people in Conference Room 2 stormed Conference Room 1? What if, in the realization that neither of our respective interests exist isolated from the other, we

fused our discussions to derive a feasible solution to both of our dilemmas? What would women from all over the world express to the Security Council? What would they finally say now that they had the world's attention? ■

Ceremonies

Janina Fogels (Law II)

Almost 10 am on March 7, the official UN Observance of International Women's Day. Conference Room 2, a perfect representation of the UN of my imagination, contains a strict seating hierarchy marked onto curved rows. Dark brown, 25-foot curtains with deep folds block our view of First Avenue. There's a pack of people outside, across the street, holding rain-soaked banners and yelling slogans distorted by megaphones. I saw them on my way in. Protests aren't allowed on our side of the street. Signs say so on the gate.

We sit up in the bleachers, where spectators and the NGOs who aren't granted a microphone sit. Each seat comes complete with an ear piece shaped like a computer mouse. You hook it over your ear and receive instantaneous translations in the language you choose by spinning a small dial under the armrest. The room is filling. People scramble for the last available seats as the morning's speakers enter.

The focus point of the Observance is the Millennium Development Goals. In 2000, the Millennium Summit drew together 189 countries who agreed on eight goals to combat the Big Problems: poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women. (Goal 2: Achieve universal primary education...Goal 3: Empower women and promote equality between women and men...) As wide-ranging and lofty as they seem, the goals - "a new way of doing development business" - make obvious that all development work must focus on the needs and priorities of women.

The speakers refer to the MDGs, but also voice countless other issues, there's a kind of multilayered neverending revolution implied in the number of issues skimmed. Geeta Rao Gupta, co-chair of the

CAUCUS CENTREFOLD

Millennium Project Task Force speaks first. She stresses that the MDGs call for resources, resources, and more resources. She also points out that Pakistan has just signed CEDAW, while the US is still holding back. She quotes Frost, gravely, changing his "I" to "we": "The woods are lovely, dark, and deep/ But we have promises to keep,/ And miles to go before we sleep."

Emilia Fernandes, who occupies a cabinet-level post in the Brazilian government, speaks next. I reach for the mouse, a man's voice drifts out. She's saying that the feminization of poverty continues around the world, but has increased most in Latin America. The overall goal of eradicating poverty by 2015 has just been pushed back to 2050, but Fernandes emphasizes the right to food must be an *obsession*. I wonder about that translation, I like the (hers? his?) choice of words.

When Nafis Sadik, Special Envoy for HIV/AIDS in Asia, says that the right to reproductive health must be read into the MDGs, the audience applauds. But it's a contentious issue. And then, something we hear a lot is said again: that common approaches among nations can be found. That we can respect national sovereignty but also, and simultaneously, international human rights. Consensus is but a "paper promise"; only action can properly be called "success".

But it's the Q & A period that's interesting on a micro-level - the absurd weight placed on the necessary formalities. Remarks are asked to be kept brief, but they never are. The moderator will plead time limitations, and many will be cut off. People will ask questions and leave the room before getting answers. Attention spans are fried today. It's just the

vibe, the tension felt from the chamber upstairs. The High Commissioner for Human Rights, Sergio Vieira de Mello, in response to a comment about decisions of war and peace being made, real time, right here, by men: "Women need to lead the process of peace...Men are the engines of war - how will they suddenly change into the engines

of peace?" His skepticism by now reconfirmed.

Usually the day is much more celebratory, a CSW veteran from the Youth Caucus tells me afterwards. Today it feels pretty somber. The next day, I'm listening to a lecture at NYU when the speaker is suddenly cut off by a ruckus outside - the anti-war rally in Washington Square Park has,

maybe spontaneously, joined forces with the International Women's Day march. Together, they're really loud. We wait for the thunder to pass before the lecturer continues, talking about the Disneyfication and censorship of New York City's sex industry. ■

Talking about their lives

Jameela Jeeroburkhan (Law II)

Bina Srinivasan has a clear, calm voice. The young Indian journalist neither yells nor stumbles on her words as she recounts the brutalities committed by supporters of the Hindu nationalist party (BJP) in the state of Gujarat exactly one year ago. We are near seventy women - plus the official UN translator who sits respectfully in the back, most conspicuous in his expensive suit - piled into a room at the Church Center, which houses NGOs across from the United Nations.

Bina focuses on how women lived the massacres in Gujarat. I cannot look at her while she describes the violence experienced by Muslim women, breasts being sliced off, gang rapes, public spectacles deliberately performed before the women's family and fellow community members. The point, she tells us, was to mark these women, thereby marking the whole Muslim community to which they are connected. The myth of the Muslim woman as over-sexed object beneath her modest dress exists in what Bina describes as the BJP's Hindu imagination. Bina herself is Hindu. The 'Hindu-ness' being defined by the state is one she does not recognize and to which she cannot subscribe. Most terrifying for her in all these events was the participation of Hindu women in the sexual violence against their Muslim sisters. She asks the audience how they propose the women's movement deal with political/religious extremists who promote the participation of women in their activities and divide women in the process.

No one has an easy answer for her, and Bina does not expect one. The panel discussion is entitled "Human Rights and Human Security: Exploring Tools for Accountability in a New Political and Economic Environment." The panelists generally agree that 'human rights' as a discursive tool is largely deficient when it comes to talking about people's everyday experiences of fear and poverty.

Some, like Charlotte Bunch, who pioneered the concept of 'women's rights as human rights,' caution against abandoning human rights. Rather, notions of human security - a somewhat nebulous term to be interrogated and not assumed - might provide a complement to human rights advocacy by addressing situations of state crisis.

I am struck by a comment Selma Hadzihalilovic makes. The coordinator of a network of anti-trafficking organizations in Bosnia-Herzegovina works to end compulsory military service in her state. After ethnic wars and NATO bombings, she feels no reassurance by her government's increased militarization. When first asked to speak about human security and human rights, she did not see what she had to offer to the discussion. She is not an 'expert' in either concept.

"Then I realized," she says, "that what we were going to talk about was my life."

After the discussion is over, and people clear out to make other events or meet with their state representative, I thank Bina for her presentation. She looks bleary-eyed and fatigued. Off-stage, so to speak, her body almost collapses into her winter coat. I tell her descriptions of the Gujarat violence are always difficult, no matter how often I hear them. She shakes her head in agreement.

"You know, it's hard. But I have to repeat it because I still cannot believe what women participated in."

I tell her I appreciate that she identifies herself as a Hindu woman who rejects BJP Hindu nationalism, while not rejecting her faith. As a Muslim, I feel the same about much conduct done in the name of Islam. She does not answer. She looks too tired to talk anymore. Handing me a card with a local number, she tells me we should meet.

We never do, but I appreciate meeting Bina, Selma and others nonetheless. I thank them for my experience at the UN Commission on the Status of Women and to all the women and men who made my attendance possible. ■

ELECTION DAY

APRIL 14, 2003

A message from
Véronique Bélanger, Assistant Dean
(Student Affairs)

As you know by now, provincial elections to be held on April 14, 2003 have forced the University to cancel all exams which had been scheduled for that day.

Following informal consultations with members of the LSA, the Faculty of Law has decided to reschedule exams to Sunday, April 13, 2003, at the same time and in the same location as originally scheduled.

For more certainty, please note that the following exams have therefore been rescheduled:

ABORIGINAL PEOPLES AND THE LAW (Me Robert Mainville)
Exam will be held on Sunday, April 13 at 9:30

ADVANCED CIVIL LAW OBLIGATIONS (Sections 001 and 002 - Professors Jukier and Khoury)
Exam will be held on Sunday, April 13 at 9:30

CIVIL LAW PROPERTY (Sections 001, 002 and 003 - Professors Godin and Lametti)
Exam will be held on Sunday, April 13 at 14:30

Exams administered by the Office for Students with Disabilities (OSD) have also been rescheduled to Sunday, April 13. Students should contact the OSD for further information.

Please note that the OUS will be open during its regular hours on Monday, April 14. It will not be open to students on Sunday, April 13, except for exam-related emergencies.

Take-home exams are not affected by this change. They will be available for pick up as of Monday, April 14, at 9:00.

For further information, do not hesitate to contact the OUS.

The Legality of Saddam Hussein's Assassination

Part I: US Law

by Sébastien Jodoin (Law II)

The Bush administration invoked the possibility of assassinating Saddam Hussein in October when White House spokesperson Ari Fleishcer said in response to a question concerning the cost of a war in Iraq: "The cost of a one-way ticket is substantially less than that. The cost of one bullet, if the Iraqi people take it on themselves, is substantially less than that."¹ This objective was confirmed early Thursday as the first move of the U.S.-led attack was "decapitation strike" using Tomahawk cruise missiles intended to kill Saddam Hussein.

Of course, whether or not the US will succeed in assassinating Hussein is another question. We have seen with Bin Laden the difficulties involved in the targeted assassination of an individual. Hussein, himself, is particularly apt at surviving assassination attempts. During the first Gulf War, the US bombarded 260 presidential sites to no avail. And after 11 years of numerous coup attempts, some involving the CIA, Saddam Hussein is still alive and well. He reportedly tapes his television appearances in advance and changes locations constantly sometimes twice during the same night. He employs 30,000 soldiers for his personal protection and has uses decoys including fake motorcades and three surgically altered look-alikes. Due to these circumstances, CIA director George Tenet estimates that the odds of success are only 20%.

Notwithstanding the possibility of Saddam Hussein's survival, I will examine the legality of the Iraqi leader's assassination first under US law and next week, under international law.

Constitutional Law

The starting point is the due process clause in the Fifth Amendment to the American Constitution which protects "any person" from being "deprived of life . . . without due process of law."² However, there is considerable debate as to whether this clause applies to foreign nationals.

On the one hand, the Fifth Amendment refers to "any person", not to "the people" and thus would apply to aliens. As well, in *Reid v. Covert*³, the Supreme Court asserted that "the

United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution".⁴ This suggests that US government agents cannot escape constitutional restraints because where they go, the US constitution follows. On the other hand, there is some authority to the effect that foreign nationals do not enjoy due process rights⁵ and that the constitution does not apply to foreign aliens⁶. There has also been a bridging position: aliens may not benefit from constitutional protections, but there is still a need upon government agents to invoke positive legal authority in accordance with the constitution to justify their actions abroad.⁷

However, this constitutional framework might not apply in the context of a war. Indeed, in a war, the President, as commander in chief, has the constitutional authority to command the use of deadly force by the army.⁸ Thus, the applicable legal framework is the law of armed conflict, which will be considered later. US constitutional law would not constitute a legal barrier to a US assassination of Saddam Hussein in time of war. The question, then, is if the current US in Iraq is consistent with US constitutional law.

US Criminal Law

Another consideration is US Criminal law which Courts would only apply if it was intended explicitly or implicitly to have extraterritorial effect. Only one statute meets this criteria, the *Neutrality Act*, enacted in 1794: "Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined under this title or imprisoned not more than three years, or both".⁹ There are three main reasons why this statute would not apply to the present case. First, the US is at war with Iraq, thus the peace requirement is not met. Secondly, this anachronistic statute would probably not apply in regards

to an assassination authorized by the President so long as he was acting within his powers.

Executive Order 12,333

Another consideration is the presidential executive orders prohibiting the use of assassinations. In 1975, a Congressional Commission headed by Senator Frank Church held hearings on the question of whether the United States had engaged in assassination plots against certain foreign leaders. The Church Committee's conclusions condemned the use of assassination as a foreign policy tool and called for "a statute which would make it a criminal offence"¹⁰.

Although Congress never legislated to criminalise assassination, President Ford answered the Church Committee's call by issuing executive order 11,905 which prohibited political assassinations¹¹. This order stated that: "no employee of the United States Government shall engage in, or conspire to engage in, political assassination"¹². President Carter also issued his own modified executive order in which he removed the word "political"¹³. In 1981, President Reagan issued the exact same order entitled Executive Order 12,333¹⁴. Subsequent Presidents have not altered President Reagan's order and the many calls to repeal it

have not been answered and thus Executive Order 12,333 remains in effect.

However, it is not clear whether Executive Order 12,333 would apply in the present context. The three orders have no legislative histories and thus legal scholars have referred to the Church Committee's findings to interpret the orders. Since the Church Committee allowed for the legality of assassination during an authorized war, then the Executive Order would seem to carry a similar exception for authorized war. This exception would not however extend to all armed conflicts, but only conflicts authorized by declaration of war or a statute which conforms to the War Powers Resolution¹⁵.

In this regard, most scholars thought that The Authorization for Use of Military Force Against Iraq¹⁶, which authorized the first Gulf War, thus removed any legal obstacle that Executive Order No. 12,333 might have placed on Saddam Hussein's assassination. Again, the law applicable to the assassination of Hussein's assassination would have been the law of armed conflict.

Of course, this depends on whether the existence of this exception by reference to the Church Committee's findings, a view which is not unanimous amongst legal scholars. As well, the applicability of this exception depends on whether or not the current war in Iraq conforms to US Constitutional law.

This later question is still controversial.

On March 18th, in *John Doe I v. Bush*¹⁷, the Court of Appeals, 1st Circuit, dismissed a petition for a rehearing of an action seeking a preliminary injunction to prevent the President and Secretary of Defence from initiating war against Iraq which was filed by members of Congress as well as family members and which was dismissed in first and second¹⁸ instance. The Court held that action continued to be unripe because Congress had taken no action presenting a fully developed dispute between the two elected branches. More legal proceedings will now be underway seeing as though the war has begun.

If President Bush is found to be acting within his powers, then according to US constitutional law and an interpretation of Executive Order 12,333, we would thus have to consider the law of armed conflict to examine the legality of Saddam Hussein's assassination. Next week, part II, the legality of assassination in international law.

Brief Bibliography (in the interest of space, it does not include the footnotes)

Banks, William C. & Raven-Hansen, Peter, *Targeted Killing and Assassination: The US Legal Framework*, 37 URMCL 667.

Turner, Robert F., *It's Not Really "Assassination": Legal and Moral Implications of Intentionally targeting* ►

Information Session on Attending the Annual Commission on the Status of Women Conference

Interested in attending the annual Commission on the Status of Women conference at UN Headquarters in New York? Members of the McGill Women's Law Caucus who recently returned from the international gathering want to share their amazing experiences and let interested students know how they can get involved next year.

The Commission on the Status of Women prepares recommendations and reports to the United Nations Economic and Social Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights.

This year the Commission focused on two thematic issues: 1. Participation and access of women to the media, and information and communication technologies and their impact on and use as an instrument for the advancement and empowerment of women; and 2. Women's human rights and elimination of all forms of violence against women and girls as defined in the Beijing Platform for Action and the outcome document of the Special Session for the General Assembly entitled "Women: gender equality, development and peace for the twenty-first century."

In addition to attending formal negotiations between state representatives and the Council, participants can attend NGO workshops on a multitude of issues affecting women internationally, as well as lobby state representatives on policy changes.

The process of organizing and accrediting conference attendees starts early, so come out to learn about how the conference works, hear first hand experiences and see how you can get involved for next year!

WHEN: Wednesday, March 26 at 12:30 pm

WHERE: Room 101

For more information contact katherine.ramsey@mail.mcgill.ca

terrorists and aggressor-state regime elites, 37 URMDLR 787.

Jeffrey F. Addicott, *Proposal for New Executive Order on Assassination*, 37 URMDLR 751.

¹ Fleisher Backs Hussein's Slaying: "One Bullet" Less Costly Than War, Bush Spokesman Says, Wash. Post, Oct. 2, 2002, at A12.

² U.S. Const. amend. V.

³ *Reid v. Covert*, 354 U.S. 1, 74 (1957).

⁴ *Ibid* at 6.

⁵ *Verdugo-Urquidez*, 494 U.S. 259 (1990).

⁶ *Harbury v. Deutch*, 233 F.3d 596, 602-04 (D.C. Cir. 2000).

⁷ *Supra* note 5, at 277.

⁸ *The Prize Cases*, 67 U.S. (2 Black) 635, 668 (1862).

⁹ 18 U.S.C. § 960 (2000).

¹⁰ Alleged Assassination Plots Involving Foreign Leaders, S. Rep. No. 94-465 (1975), at 283.

¹¹ Exec. Order No. 11,905, 3 C.F.R. 90 (1976).

¹² *Ibid.*

¹³ Exec. Order No. 12,036, 3 C.F.R. 112, 129 (1978).

¹⁴ Exec. Order No. 12,333, 3 C.F.R. 200 (1982), reprinted in 50 U.S.C. § 401 (2000).

¹⁵ *Supra* note 10, app. A at 289.

¹⁶ Pub. L. No. 102-1, 105 Stat 3.

¹⁷ 2003 WL 1221158, C.A.1, 2003.

¹⁸ 2003 WL 1093975 C.A.1 (Mass.), 2003. ■

The Life of Saddam Hussein: 1937-2003

by Sébastien Jodoin (Law II)

Born in 1937, Saddam Hussein grew up in the Iraqi village of al-Ouja. Poor and without means, to survive, Hussein had to resort to stealing food. His family-life was dysfunctional: his father abandoned the family and his new stepfather physically abused all of its members, including Hussein himself.

When he was 10, Hussein left home and headed with his uncle to Baghdad where he received an education and got involved in politics. Indeed, in his 20's, Hussein was a great supporter of Arab unity and was a member of socialist Ba'ath party, which advocated the use violence to achieve its aims

In 1959, Hussein attempted to assassinate Iraq's prime minister. After the attempt, he fled Iraq and lived in exile for several years in Syria and Egypt. In 1963, he returned to Iraq and wed his cousin, Sajida. Until his Hussein's death, they remained married, although Hussein is believed to have numerous mistresses.

In 1968, Hussein was one of the leaders of a revolt that brought the Ba'ath party to power. During the 70's, as the head of the secret police and commander of the military, he oversee the arrest, torture and execution of thousands of Iraqi and led the Iraqi Republican Guard in violently putting down rebellions by ethnic Kurds in northern Iraq.

In addition, Hussein instituted a successful mandatory literacy program whereby anyone who did not take part in this program risked a three year prison sentence. As a result, hundreds of thousands of Iraqis learned to read. He also put into place a public health system, which the international organizations

recognized as one of the best in the developing world.

In 1979, Hussein took hold of the presidency and executed his main rivals within the Ba'ath party. He then embarked on a new career path as a ruthless dictator and severely curtailed human rights and fundamental freedoms.

After his crushing defeat in the first Gulf War, the U.S. military took for granted that Hussein would be overthrown by the Iraqi people. In spite of 11 years of various sanctions and numerous coup attempts, his power never waned.

According to the CIA, Hussein lived a secluded and privileged life. His personal wealth was estimated at \$5 billion. He owned over 20 presidential palaces. Hussein swam twice daily to stay healthy. He ate well and had fresh food flown in twice weekly from all over the world which were examined by a team of scientists before they were prepared. He insisted on having meals prepared for him in every one of his palaces every day, regardless of where he is staying.

Despite his at times tenuous relationship with the West, Hussein was said to enjoy Western culture, including American films, amongst which "Enemy of the State" and "The Godfather" were his favourites. As well, Hussein constantly watched CNN, the BBC and al Jazeera. He was also said to particularly admire Winston Churchill. Hussein was also an author; under the pen "He Who Wrote It", he anonymously published two novels, "Zabibah and the King" and "The Fortified Castle". ■

When it all comes together

by Karine Péloffy (Law I)

Since law school started, I wondered what could prompt me to voice my opinion in the Quid. The conflict in Iraq, faculty financing woes, and even the passionate mini-war within our faculty between human rights and corporate law just didn't do it for me.

Instead, I'd like to share a relatively meaningless event that recently caused a mental clash in my little transsystemic, overstressed brain: I finally saw the big scary picture of studying law.

Just to give a hint of context, let's consider civil law property. The focus of this class has been the absoluteness of the ownership right. Due to my mental status at 10 am, my focus during property class has usually been in taking the raisins out of my cinnamon bun...whatever, back to the story. Basically, I wasn't totally into it and the only implications I thought of didn't really make it meaningful - i.e. if the space over my land is absolute it is mine...which is really poetic but pretty useless.

I suddenly understood it all as I was walking down Peel Street. For the courageous few who dared to go outside at - 40°C, you might have noticed 2 or 3 guys lying on an air vent. Ladies, you probably heard them ►

Two Quids to go!

Deadline for next week is Thursday March 27th at 5PM: quid.law@mcgill.ca

because they tend to whistle and make cheesy compliments as you pass by. I say used to because they were silently replaced by a high fence and what looks like an electrical system. It might look better now...and to be honest it might even smell nicer.

So, I thought, this is the real implication of absolute ownership: the owner of the building on the corner decided that he wouldn't tolerate smelly people living on his property anymore. Since enjoyment of property includes the right to exclude others, he kicked them out. The law as we've learned so far is on his side; there certainly aren't legal duties to prevent people from being morons and letting vulnerable people freeze in the winter. Nobody will ever use this heat...except for homeless people. Yet still we would deny them this in the name of aesthetics.

On top of this, a quote from a recent quid struck me: "It might be unethical to do something, but remember as lawyers, you're getting paid to do it." Although it was only a joke, there is an underlying reality to it that we are all beginning to accept. Just as dark girls will always laugh a little louder at dumb blond jokes... we sort of agree with the assumption.

So my point, if I have any, is this: we are all very lucky to have gotten here and, being

here, are a privileged few. Not all people are. Some are freezing their asses off wandering around downtown because they lost the only piece of comfort they had.

Everybody tells me that at 20 they didn't know what they wanted to do and would never be in law school; I am no different. I don't know why I spend days in the library learning about indivision and consideration when I could be learning about life - preferably on a beach somewhere. But I do know, however, that I didn't sign on to become someone who would be able to legally justify stealing somebody's warmth in winter.

Making sure we are standing on the "good" side is not something we should assess when we decide which program to study or career to embrace. Rather, it is a problem we should be thinking of everyday. In all aspects of life, there is always a choice between doing the right thing or not. When we drop a Kleenex, we can either make the extra effort to pick it up or we can let it become just another trash waiting to pollute the amazons and deplete the ozone. As future lawyers, this simple choice will have an even greater impact: the choice to reinforce the status quo or strive to make the law stand on the right side. ■

deity, White House spokesman Ari Fleischer dismissed the remarks as "the verbal diarrhea of some tree-hugging long-hair". Going one step further, he asserted that "clearly Mr. Christ has shown, by having an opinion that is different than ours, that he represents an institution that has completely lost its relevance and moral authority with respect to global affairs".

Mr. Fleischer then turned over the podium to American Secretary of Defence Donald Rumsfeld, who issued a scathing indictment of Jesus Christ's character and personal connections. Mr. Rumsfeld said that he was "deeply troubled" by Mr. Christ's involvement with an organization known as the "Holy Trinity", a fanatical religious group that also includes Christ's father and a mysterious figure known only by military intelligence as "The Holy Ghost".

Mr. Rumsfeld justified this move by drawing the public's attention to the eerie similarity between Christ and John Lynd Walker, the "American Taliban", not to mention "every other terrorist that has ever lived. You see, here we have a man from the Middle-East, with a long beard, no worldly possessions, and who hasn't eaten a proper meal in years. That fits the classic terrorist profile. Sure, his white robe and sandals make him look more like a Raelian on crack, but make no mistake... *this man is dangerous.*"

Just to make sure this message wasn't lost on the public, the U.S. department of Homeland Security upped its Terror Alert rating by one more notch, from "High" to "Wrath of God".

However, Mr. Rumsfeld made a point of stressing that any war between Americans and Christians would be an even greater cakewalk for U.S. forces than the Iraq conflict. When asked whether he feared any divine retribution for his administration's hubris, Mr. Rumsfeld had this to say: "Please. I just got off the phone with Hans Blix, and he assured me that this guy has absolutely no weapons of mass destruction at his disposal. And because, to my knowledge, Bethlehem does not have any light-sweet crude, I'm willing to side with the inspector this time and give Jesus the same warm treatment we reserve for our friends in North Korea."

When this was met with a roomful of skeptical and confused looks, he added: "Besides, Colin Powell told me this joker hasn't even assembled an army in his name since The Crusades... I mean, *The Crusades*, for Chrissake! They didn't even have scuds back then!"

After learning of these comments, Mr. ▶

NEWS ITEM: JESUS RETURNS TO EARTH, FEW NOTICE

by Mike Brazao, Law II

BETHLEHEM – Jesus H. Christ, ruler over heaven and earth, made his much-hyped second coming yesterday amid surprisingly little fanfare. Speaking at a press conference that was assembled in front of his childhood manger, the son of God beamed as he prepared to announce a new utopian era of peace, tranquility and goodwill for all the inhabitants of his kingdom. However, he was soon distraught to learn that in terms of media coverage, this announcement had to play second fiddle to the ongoing war in Iraq.

The reincarnation marked the first time our Lord and Saviour had directly addressed his subjects since his crucifixion on Friday, April 18, 31 A.D. His first order of business was to clarify why he decided to suddenly break his centuries of silence. According to the King of Kings, he was "frustrated" that "all these damn churches" had "not only ripped off my Intellectual Property, but kept

getting the whole message wrong". He announced that he would be suing for "a whole shitload" in pecuniary and moral damages, as he still qualified for protection under the Sonny Bono Copyright Extension Act.

However, roughly two minutes into his speech and directly following his rant against organized religion, most of the major networks cut away from his press conference in order to cover the valiant bombing of a small Iraqi village by American and British armed forces.

After the gas had settled, and the pundits had given their requisite "oooh"s and "aaah"s, the networks finally cut back to their coverage of the Almighty. At that point Mr. Christ used the spotlight to voice his strenuous objection to the present conflict in the Middle East, even going so far as to label it a "sin".

This did not go over well in Washington. Later that day, when asked to comment on the pacifist statement made by the omniscient

Christ decided to up the ante. After cutting his hair and shaving, so as to appeal to political moderates, he appeared on the ultra-conservative cable talk show *Hardball with Chris Matthews*. There he announced that he would be assembling a tribunal to judge the living and the dead, which, he insisted, was in fulfillment of a campaign promise he made should he ever receive a second term as divine ruler of the universe. For that and other details of his platform, viewers were encour-

aged to consult his "good" book of promises, entitled "The Bible", which has been a *New York Times* bestseller for the past 2000 years.

When informed of this possible tribunal, American President Bush's reply was swift and unequivocal. "Judge this" he said while flipping Mr. Christ the bird from the Oval Office. "I don't remember my daddy appointing you to any court. The only judges I answer to are named Rehnquist, Scalia and Thomas."

In American households, the Bush v. Christ conflict translated into a solid night for television ratings, though the coverage failed to gain more viewers than *Are you Hot?*, *The Osbournes* or *CSI: Salt Lake City*. ■

To Whom It May Concern

by Edmund Coates (Alumnus I)

Wit is a pleasurable exercise of our minds. Wit can nourish community. But wit is at home in the law school for other reasons as well. A flash of the absurd can remind us of the mystery beyond people's surfaces, as well as of the tangled delicacy of

moral life. Law teaching is often entranced with the third person, with fantasy; wit pulls us back to the truths of the second person, to imagination.

I remember the time students brought a martini for Prof Walsh at her last class of the semester (I suppose the class was at the start of the cocktail hour). Or the time when smoke from a plumber's torch set off the smoke alarms in Old Chancellor Day Hall, and led to its evacuation. As they stood out in the crowd outside, a student declared to Dean Leuprecht (who fled Austria in the late 1930's): "If we can blame the Communists for the fire, then there'll be room for a strong man to take charge". Or the time when a woman student complained that certain professors still had a different attitude to men students than to women. A male student turned to her and asked: "What's your favourite cookie recipe?". Or the time when a professor wondered aloud in class where the expression "weasel words" came from. A student explained that weasels were small, quick, and

hard to catch. A second student asked the first student: "Come on, have you ever caught a weasel?". The first student replied: "Actually, they're very tasty in a pie, not fat, and far less gamey than squirrel". Or the time when a student sang the whole of "Tradition" from *Fiddler on the Roof*, with a Yiddish accent, as a question in Macdonald's "Policies, Politics, and the Legislative Process" class. Or the time students raised a series of scenarios, relating to the Criminal Code provisions on interpreters, until one student asked "what if you had a witness who could only express herself fully through dance?" Or the time when Prof. Klink referred in Equity & Trusts class to the 1614 case of *Tipling v. Pexall*. In its time, the case had supported the idea that a corporation could not be a trustee. Only God could create a soul, a corporation had no soul, equity acted on the conscience, conscience required a soul. At the start of the next class, Klink said he had seen a danger just as he had gone to bed. He wondered if in a year, one of his students would be on Bay Street, and would be asked to look over the paperwork for an offering of corporate debt. He saw the student objecting: "No, no, we can't use the Canada Trust, a corporation has no soul".

Jeff Nichols was an exuberant red-haired student in the year before me. Somehow he wangled from the L.S.A. a "Jeff Nichols Coffee House". For a few hours, the law school atrium became a Jeff Nichols Hall of Fame & Museum. All over the atrium there were displays devoted to Jeff Nichols: from genealogical information, baby pictures, childhood toys, to his most recent clothing purchases (including a selection of underwear, of which only one pair of briefs was flashy, I remember it as red, maybe satin, with ribbon of a contrasting colour sewn onto it.) If you wanted to become a world-class Jeff Nichols expert, the law school that evening was the place to be.

The cut and thrust of wit also serves as a counterweight to pride. Pride has its virtues, to the extent it leads us to stand up for ourselves, to the extent it allows us to live ►



Another satisfied customer! January 2003.

with dignity. But we see the dangers of excessive pride every day, even in pedestrian matters. Pride can lead to pain, destruction and death. Pride can whisper to people that they are in complete control. Look at the aggressive drivers on the roads, who are too proud to give an inch. Look at people who will not give an inch in a dispute, and who end-up cutting themselves off from members of their families, sometimes over issues which seem trivial to a dispassionate observer. Look at spousal abuse.

Even in far milder cases, pride can drain a relationship of life, by intensifying our hunger for control. This is especially true of the deep openness that love needs. We cannot control how life will treat the person we love, we cannot control the way and length of time we will be loved back. However, our vulnerability to reversals in life and love is far from a flaw. It is at the root of our openness to the best things about being human.

For the Record

I first encountered Lionel Smith's mental agility in the year before

he started teaching at McGill. He had come to the law school for a job interview. After the interview, there was an opportunity for students to meet the candidate. The only students who turned up were Alexander Chmel (a devotee of the *Economist*) and myself. Alexander asked a few questions about what business law classes Smith could teach. I was interested in Smith's legal politics: how he saw the state of the law, and what he thought the law ought to be like. I suspected these were issues best approached by a net of indirect questions. I was struck by the finesse with which Smith slipped away from my questions.

Smith is among Canada's more productive legal academics, publishing in top journals. His prize-winning thesis *The Law of Tracing* was published by Oxford University Press, and soon became a standard work. He is cited with approval by both the Supreme Court of Canada and the House of Lords. When Smith first taught at the law school, it was these accomplishments which cast a slight air of absurdity on the great modesty which he showed in relation to his past mentor, Peter Birks. ■

Pour la torture!

par Pierre-Olivier Laporte (Law II)

C'est rare, mais ça arrive. Je parle des Renaissances, bien sûr. Le retour du doux savoir de nos ancêtres... Par ici, on appelle ça « fouiller un peu plus profond dans le bac à avoine », le *bran tub*, pour les passivement bilingues (ou pour ceux qui n'ont pas traduit à fond leurs notes de cours de fondement).

Tiens, par exemple: l'autre jour je tombe sur un article dans *La Presse*. « *Un juriste américain propose d'autoriser la torture* »¹. Fort de son expérience en Israël, le professeur Alan Dershowitz (de Harvard, s'il vous plaît) a pondu une jolie théorie, suivant laquelle on devrait permettre aux autorités compétentes d'émettre des « mandats de torture », histoire de pouvoir cuisiner nos terroristes avec de meilleurs ustensiles.

Sans doute conscient des problèmes éthiques que sa « tuile » soulève, le professeur D. propose cependant de limiter les mesures permises à l'insertion d'une « aiguille stérile » sous l'ongle et à l'utilisation d'une « fraise dentaire sans anesthésie ».

N'empêche que ce n'est pas si impressionnant que ça, comme fouillage (toujours dans le bac à avoine, s'entend). Tout le monde a déjà été torturé dans un passé récent (qui n'a jamais écouté Jean Perron à 110%?). D'ailleurs, la torture n'a jamais été complètement rayée de la carte du système pénal. La technique du bottin téléphonique ou la fable de la douche du pénitencier sont des méthodes maîtrisées à la perfection par nos corps policiers. Le seul problème, c'est que

nos terroristes nouvelle vague sembleraient insensibles à de tels châtiments! Les méthodes esthétiques et dentaires du professeur D. sont sans doute plus performantes à ce chapitre.

Mais dans le fond, peut-être existe-t-il des moyens plus persuasifs... Tant qu'à y être, je me suis dit que nous, juristes de McGill, devions proposer des services qui soient vraiment efficents, en tenant compte de toutes les valeurs pertinentes. La goutte? Peut-être un confinement intime avec Michel Louvain? J'attends vos propositions. Si vous êtes plusieurs, formons un comité *ad hoc*!

Ça me rappelle le film *A Clockwork Orange* de Stanley Kubrick. Pour les non-initiés, c'est l'histoire d'une belle gang de gars qui s'amusent à tout violer sur leur passage. L'un se fait pogner et on décide de le soumettre à une expérience psychologique. Pendant des mois, on lui montre des images de violence sur grand écran. Le gars est attaché à une chaise, ses yeux sont maintenus grands ouverts et humides par une petite machine ingénierie... Après un temps, le gars en peut plus: il fait une overdose de violence. Satisfaits, les scientifiques constatent alors qu'il est rendu doux comme un agneau, parfait pour la vie en société. La suite est à voir... Je suis sûr que la copie du Club International du coin est encore disponible, si vous vous dépêchez.

La question qui se pose est donc: pourquoi torturer quand on peut pacifier? Qui aimerait voir notre cher Oussama national gambader gaiement dans les champs de notre belle campagne?

Il paraît que le véritable problème de la

torture est en fait celui des agents de la CIA.

Comme nous le savons, certains présumés terroristes ont été envoyés pour interrogatoire dans des pays comme la Jordanie et l'Egypte. Le hic, c'est que là bas, la torture des prisonniers est – semble-t-il – chose courante. Nos pauvres espions sont donc aux prises avec un problème moral: rester ou quitter la pièce où des tortures sont commises?

L'amendement de la Constitution américaine aux fins de la permission des tortures serait, à mon sens, la moindre des choses que les juristes du sud pourraient faire pour leurs pôvres petits gars en mission. Au moins, s'ils savaient que leur droit permettait les mêmes atrocités, peut-être qu'ils auraient moins de remords à y rester, dans cette pièce... Est-ce que c'est ça, l'harmonisation « harmonieuse » des traditions juridiques par la mondialisation?

Le mot de la fin: pour ceux qui sont allés au cinéma dernièrement... Je ne sais pas si vous vous rappelez le preview de « *A man apart* », le dernier film de répertoire avec Vin Diesel. Vous savez, l'histoire du flic, bon père de famille, que-sa-femme-se-fait-tirer-par-un-méchant-pis-que-le-gars-y-part-après-le-méchant? L'annonce démontre déjà une belle progression au niveau de l'intensité, mais une phrase « *oscar clip* » crève littéralement l'écran: « *In order to kill a monster, you must become one yourself* », ou quelque chose comme ça. Je me demande si le professeur D. a aimé...

¹ Mathieu PERRAULT, « *Un juriste américain propose d'autoriser la torture* » dans *La Presse*, samedi 15 mars 2003, p. A6. ■

In Defense of Israeli Flags

by Andrea Sepinwall (Law II)

Ayman Daher's *In Defense of Aaron Chase* elicits some interesting ideas and, without intending to renew this debate, I would like to offer some clarifications or answers to Daher's queries. Daher's article reflects commonly held misconceptions regarding Judaism and its link to Israel. Ultimately, Israel is inextricably linked to Judaism, and not simply in the way that Quebec is associated with the French language, as Daher suggests.

The Land of Israel is one of the three pillars of Judaism. Israel is the homeland of ALL the Jewish people. To obscure the link between Jews in the Diaspora and Israel is to ignore the fact that Israel represents the culmination of the long-held *Jewish* (and not Israeli) dream to regain self-determination and nationhood. The modern State of Israel does not only reflect the desires and aspirations of Israeli Jews living within her borders but also those of the 16 million Jews scattered throughout the world. As a result, Israel is a country for ALL Jews and not just those residing in the state. Thus the presence of Israeli flags at the **Jewish Law Students Association** Coffee House was a most natural occurrence.

Daher's entreaty to not associate the faith (Judaism) with a defined territory (Israel) further blurs the relationship between Judaism and the land of Israel.

The link between Israel and Judaism goes farther than the fact that Jewish people comprise a majority of the State of Israel's population. Without the land of Israel, Jews could not fulfill the majority of the commandments prescribed in the Torah. The land is absolutely central to Jewish practices, beliefs and rituals and Judaism, by definition, must be associated with this territory. At the same time, while Israel and Judaism are intimately entwined, it is false to equate Jews with Israel and more specifically to equate Jews with Israeli policies.

Finally, Daher downplays the true proportion of Jews who feel that Israel is an intrinsic part of the Jewish personality. In fact, Israel is probably the greatest common denominator and unifier of Jews worldwide. Belief in the Zionist program of creating and maintaining a Jewish national homeland supersedes internal theological and cultural disputes that could otherwise undermine Jewish unity. It is the rare Jew that does not

support Israel in some way and large numbers of the most secular and/or unaffiliated of Jews pledge allegiance to the State (statistics supporting these statements can be found on the websites of any major Jewish community

organization, see in general www.adc.org, www.adl.org etc...). Jews continue to be patriotic and proud citizens of their countries of origin and/or citizenship and thus their feelings toward Israel can coexist with the other facets of their identity. Much the same as Daher's girlfriend has multiple identities and manages to establish a healthy equilibrium, so too can the modern Jew achieve this equilibrium and that with little difficulty. ■

Seeking 2003 Applicants

GOWLINGS FELLOWSHIPS IN TECHNOLOGY LAW

In 2002, Gowlings announced the creation of five annual fellowships for students admitted full-time to the LL.M. program (concentration in Law & Technology) or to the LL.D. program where his or her primary research would focus on Law & Technology, at the University of Ottawa. These programs offer students a unique opportunity to learn from internationally renowned experts in Technology Law as well as the chance to intern in the high-tech sector, government or legal profession.

Students admitted into these graduate programs are eligible for one of five annual fellowships sponsored by Gowling Lafleur Henderson LLP. With over 700 professionals providing advice in business law, technology law, intellectual property and advocacy, Gowlings is one of Canada's largest and most diversified national law firms.

The Gowlings Fellows will each receive a \$20,000 fellowship and will have the opportunity to participate in a 12-week internship at Gowlings' Ottawa office.

To be eligible, applicants must:

1. hold an LL.B. or LL.L. degree from an accredited post-secondary institution; and
2. be enrolled in the full-time graduate studies in law with a primary focus in Law & Technology at the Faculty of Law of the University of Ottawa.

For more information regarding Gowlings Fellowships and the University of Ottawa's new, full-time LL.M. concentration in Law & Technology, please visit www.llmild.uottawa.ca or call (613) 562-5774.

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OVERRULED WINS D!

by Hilary Stedwill (Law III)

The McGill Faculty of Law 'D League' intramural hockey team, OVERRULED, won the league championship last Tuesday with a 5-4 victory over the "Badmammajammies". Okay, so there wasn't exactly a playoff tree to come out on top of, but OVERRULED did beat both of its playoff opponents in close and exciting contests, so if any team deserved to win the league championship, it was us!

OVERRULED's first win in the post-season came in a dramatic 2-1 victory over the "Tom Woolies". OVERRULED'S opponents scored first in a cheap goal where the referee clearly didn't see our opponents hooking forward Brendan "Guantanamo Bay" Gluckman and cross checking Patrick Roy play-alike, French exchange student, Pierrick "Stand on My Head" Morel. I know this because we heard the objections and curses from coach Crelinsten all the way in the dressing room where me and three or four other players were still lacing up our skates (I suppose they might have scored because we only had one line on the ice at the time, but that remains a fact in dispute).

No problem though. Halfway through the first period, Stuart "Bulls-Eye" Van Leenen roofed a wrist shot from inside the right circle that beat the other team's sieve-of-a-goalie and tied the game at one. With three minutes left, OVERRULED's players started looking to offensive powerhouses Laurent "Offensive Defenseman" Massam and Leigh Turner for answers and assurance that if this went to a shoot-out, we would come out on top. With 2:30 left on the clock, though, I got the puck in the corner and for once, instead of firing it around the boards, I heard coach Crelinsten's words in my head: "Only throw up at the end of the bench, not where players are going to sit!" Right. So I turned and found Marc "I Can Skate Faster Than You" Georges in the slot, and he slipped it underneath sieve-boy's pads. GOOOOOAL!

They came back of course, but when you

have Jeff "Arse of Steel" on your team, there really was no doubt this contest was ours. The Woolies came in two-on-Jeff Roberts. There was only one thing to do. The Woolies player lifted his stick for the shot and Roberts hits the ice, ass-to-shooter. The slap shot deflected off his left cheek into the corner and we won the game!

In game two, the competition was a little tougher. The Mammas gave OVERRULED a run for its money during the regular season, but they weren't about to exact their revenge for that loss last Tuesday night. Elan "Captain Shisa" Roiz arrived on time with two 2-4's, making it clear to everyone what was on the line that night. The "legion of doom" line would feature Darren "Levine-in-law" Yaphe, Boris "I play goalie too" Savoye and Georges. I was moved off the Legion line to fill in on defense for Allon "Firm Dinner" Pollak with Vanessa "Did I do That?" Rochester.

Unlike the previous contest, scoring was rampant. The Mammas scored two quick goals, but that only focused OVERRULED's efforts. Yaphe got OVERRULED on the board first, followed by Jeffrey "El Presidente" Feiner, who took a pass from Darren and slid it behind the Mamma goal tender for his first goal of the season. van Leenen then went in on a break away looking to make it 3-2, but was mugged by two Mammas. Thankfully, the referees had their glasses on, but they wouldn't budge on awarding a penalty shot, despite Coach Crelinsten's protests and garbage can tossing strategy.

Up a player, OVERRULED still should have scored easily, but the Mammas caught a lucky break and scored a short-handed goal to make it 3-2. Little did they know they had fallen into a cunning trap we in the business like to call, "The Boris Offensive". After lulling them into a false sense of security, Boris deftly outmaneuvered the entire Mamma defense and scored our powerplay goal. I distinctly heard a Mamma player say, "Bet you can't do that with all five of our players on the ice!"

Boris proved him wrong and off a sweet pass from Georges, scored his second of the night and pushed OVERRULED into the lead. Boris would have had a third too after leaving the Mammas defensemen with their shorts around their ankles, he was pulling so many moves, but the goalie came through for them finally.

OVERRULED'S victory was equally due to "The Vanessa Defensive". If you thought Gordie Howe got away with moy-dah in the NHL, you ain't seen nothing yet. Vanessa may look like she just started taking hockey lessons, but when it comes to game time, she's all goon as she turns "I'm just learning to skate backwards" into a hip check that sent the Mamma forward ass-over-tea-kettle. It's the innocent look she gives the ref on her way back up the ice while her cheering section screams for more blood that's especially cunning.

Still, OVERRULED was only up by a goal and some insurance would be nice. And almost as if on cue, Marc Georges received a no-look-what-the-hell-was-that pass from Boris and took it in alone for the top-shelf, stick side goal. 5 - 3 and it looked like smooth sailing.

The Mammas would make it 5-4 after pulling their goalie and throwing everything and the kitchen sink at us, but with only 23 seconds left, there really wasn't much hope of them mounting a comeback. The buzzer sounded, OVERRULED wins!

Thanks for a great season, OVERRULED. Hockey was my favourite thing each week. I'm going to miss playing on the team next year, but I'll be cheering for you from the bleachers in Sweden!

Hilary Stedwill was usually a left-winger, occasional centre and fill-in defenseman in his rookie season for the OVERRULED hockey club. He was traded to a Swedish national club for future considerations, a 2-4 of Molson Ex and some hockey tape. ■

The Quid is hiring!

Turn to page 27 for details

Draft Rules on Corporate Sponsorship

A message from Jeff Feiner (Law III), LSA President

The LSA is drafting of an official policy on corporate sponsorship.

The purpose of this policy is to support a learning environment free from the excesses of firm advertising. The following points recognize the dependence that some of our events have on firm sponsorship while at the same time recognizing that some limits are necessary.

1. No firm advertising should be present on the first day of orientation. This includes banners, logos and paraphernalia.
2. The Dean's Barbecue should not be sponsored.
3. No mandatory event of an academic nature may be sponsored. This includes the Tutorial Dinner.
4. Coffee House provides law firms direct access to students. Firms should endeavour to sponsor at least two other student initiatives (such as a contribution to the Student Justice Fund, Skit Nite etc.) before sponsoring a Coffee House.
5. No space in the school may be named after a law firm. This includes classrooms, lounges and corridors.

Many of our events could not be held without the help of firm sponsorship. Students are grateful for this support while at the same time being mindful of preserving the unique atmosphere present in the McGill Faculty of Law.

This policy will be presented and discussed at this week's LSA Council meeting, to be held on Wednesday, March 26 at 12:45 in Thomson House.

Havana Linda

by Adriana Greenblatt (Law I)

As you may know, LALSA is currently developing more foreign exchange programmes with Latin America. As a complement to Marie-Pierre's and Elise's articles promoting these exchanges, I will also relay some of my experience as an exchange student at the University of Havana. With the Dalhousie/ Latin American Social Sciences Faculty in Havana programme, I spent 2 /12 months studying at the University of Havana and one month in Pinar del Rio, the province just west of Havana.

My first shock upon arrival in Havana was the language - Cuban Spanish was far from any Spanish I could learn from a textbook! I quickly learnt that Cubans cut off the ends of practically all their words and I had to adjust. Although in my first two weeks I was in intensive Spanish classes, the real lessons came through many (failed) attempts at com-

municating with the people around me!

Havana felt like one of the safest cities in all of Latin America. Walking around gave me the sense of being in a village; places and faces soon became familiar. I rarely felt threatened on the streets. There had, however, been a few pick pocketing incidents, but that was the extent of the crime I was aware of.

The men were very sexually forward. There seemed to be a widespread culture of "machismo" and thus, praising women and commenting on their anatomy was routine. All women I traveled with had to become accustomed to comments and heckling ("piropos") from men on the streets (sometimes in the form of a whistle, sometimes a hiss...)

Finding a place to live in Havana was not difficult. Foreign exchange students and travelers generally lived in "casas particulares".

These were rooms that families rented out in their houses which sometimes provided meals (in American dollars). These were regulated by the government (i.e. the family had to pay a tax for each room they rented). The price of these houses varied from USD3-USD15. Many students had no problem finding an "illegal" casa particular to live in (houses not regulated by the state) for less money, but they had to be more discreet about it. This was a great experience for me; the family I lived with made me feel welcome. The relationship that I developed with my family was interesting though because they invited me into their home, I experienced their daily life and yet, they also served me dinner as though in a hotel. Sometimes, I felt there was mostly a "business" dynamic to our relationship and other times, I felt I was part of the family.

It took no time to make friends in Havana; Cubans were generally warm, welcoming and extremely open. However, I was always conscious that as foreigners, we had access to a whole world of clubs, resorts and products only available to those with dollars. This was because the government's attempts to boost the ailing economy via tourism development had created a two-tiered socio-economic system in which tourists (with more access to American dollars) were higher on the social hierarchy. Cuban friends could often not pay the entrance fee for these places, so it was better to spend time in places that we could both afford.

This tourism boom had lead to a rise in black market activities in relation to tourism. This made sense given that while Cubans watched tourists bathe in luxury, they had to make do with paltry rations. Many Cubans had jobs as informal tour guides ("jineteros"), often under the guise of friendship. There was also an obvious market for sex tourism for which Canadian businessmen were partly responsible. These were unfortunate facts of life in Cuba that I quickly became conscious of.

The day I had to leave Havana was confusing. I had fallen so in love with the city that I actually contemplated staying another semester while at the same time, Cuban friends were trying to find ways to leave. The intense relationships I developed proved somewhat difficult to maintain upon return to my daily life and it still remains a struggle to consolidate the reality of their life with life here. But in all, the vitality and beauty of the people was captivating and for this, the experience will remain one of the most memorable of my life. ■

The CPO NEWSLETTER, March 20th, 2003

Hello everyone,

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1) POSTINGS (ARTICLING, SUMMER, PART-TIME, GRADUATE)

—Applications are now being accepted for two (2) positions as a Senior Advocate with the Advocacy Program of the McGill Legal Information Clinic.

The Advocacy Program provides advice and representation to students regarding issues internal to McGill. The two most common types of work involve defending students charged with disciplinary offences and representing students in connection with grievances against the University.

The Senior Advocates would assist the Director of Advocacy and University Affairs in the general administration of the Advocacy Program. They would also supervise the roughly 20 volunteer advocates with the program.

Both Senior Advocates would take the six (6) credit Legal Clinic Course during the 2003-04

academic year and will have regular office hours. In addition, one (1) of the two Senior Advocates would work at the Clinic during the summer of 2003 at a rate of \$14/hour.

The positions are open to third and fourth year students in the Faculty of Law. Experience as an advocate is an asset but is not required. To apply, please submit a CV and cover letter to the attention of Andrew Bryan, Director of Advocacy and University Affairs 2003-04, at the McGill Legal Information Clinic on the first floor of the Shatner University Center. The deadline for applications is Friday March 28th, 2003.

Please address questions to Andrew at 398-4384 or andrew.bryan@mail.mcgill.ca

—ARTICLING STUDENT POSITIONS, Fraser Milner Casgrain LLP Calgary's office is now accepting applications for articling students for the year 2004-2005. They are hiring approximately 6 - 8 articling students for 2004-2005.

Interested applicants should forward copies of their résumé, undergraduate transcripts, any law school transcripts received at the time of application, and reference letters to our Calgary office on or before Monday, May 5th, 2003. (transmission by fax and e-mail is fine)

Fraser Milner Casgrain LLP
Barristers and Solicitors
30th Floor, 237-4th Avenue S.W.
Calgary, Alberta T2P 4X7

Attention: Mrs. Julie Riewe
(Assistant to Recruitment Coordinators)
Fax: (403) 268-3100
e-mail: julie.riewe@fmc-law.com

In the interim, you are welcome to find out more about them through their articling student brochure (available from the CPO Resource

Centre) or their website at www.fmc-law.com.

—Legal Research and Writing Lecturer Positions

- The University of Alberta Faculty of Law is accepting applications for the 2003/2004 academic year for two legal research and writing lecturers. Lecturers will provide instruction in legal research, writing and oral advocacy to small sections of first year students. In addition to teaching responsibilities, lecturers will be responsible for evaluating students and providing tutoring as required. Applicants must have an LL.B. or equivalent. Preference will be given to applicants who have completed a graduate degree or are in the late stages of completion, or who otherwise can demonstrate appropriate skills. Remuneration will depend on qualifications and experience, up to a maximum of approximately \$37,

750. There are no benefits associated with this position. Appointments are for a ten month period and will be effective July 1, 2003. Renewals for the ensuing academic year may be considered. Please submit a curriculum vitae, copies of academic transcripts, and the names of three referees ASAP to:

Dean David R. Percy, QC
Faculty of Law
Room 485 Law Centre
University of Alberta
Edmonton, Alberta T6G 2H5, Canada
E-mail: dean@law.ualberta.ca
Fax: 780-492-4924

All qualified candidates are encouraged to apply; however, Canadians and permanent residents will be given priority. The records arising from this compensation will be managed in accordance with provisions of the Alberta Freedom of Information and Protection of Privacy Act (FOIPP). The University of Alberta hires on the basis of merit. We are committed to the principle of equity in employment.

—International Centre for the Prevention ►

COMPETITIVE MOOTING 2003/2004

(3 CREDITS)

As of Monday March 24th, you may pick up application forms and materials for competitive mootинг run-offs at the OUS. Run-offs will be held on April 3rd and 4th. You must sign-up for a time of your choice by the downstairs computer lab before April 2nd at noon.

Tous les étudiants et étudiantes présentement inscrits qui seront de retour l'année prochaine sont éligibles. Chaque candidat ou candidate devra cependant se présenter à une audition de huit minutes, qui servira à faire une sélection.

Please note that the fact pattern we are using for the run-offs is the same as the one presented in the Bar Prize Moot.

Nous espérons que de nombreux candidats et candidates se présenteront. Pour toute question, veuillez communiquer avec Sébastien Roy, coordinator.methodology@mcgill.ca.

Break a leg!

Crime, Montreal, is looking for research assistants. Created in 1994, the ICPC's mission is to assist cities and countries to reduce delinquency, violent crime and insecurity. The ICPC bridges the gaps between decision-makers, practitioners and researchers. The ICPC is looking for students to assist them in the following research projects:

Project #1: International Inventory of Policies, Practices and Tools
 Project #2: Drugs, Delinquency and Community Safety
 Project #3: The Role of Cities
 Project #4: Police and Prevention
 Project #5: Implications of Increasing Security Measures for Immigrant and Mobile Populations
 Project #6: Updating of the Website

Candidates should be studying or have a keen interest in criminology, political science, social sciences, computer web design, journalism, etc. Excellent written, and communication skills. Excellent research skills. How to apply: Submit your cover letter and résumé by e-mail to jean.hepworth@mcgill.ca. Cover letter should be addressed to Ms. Sirpa Utriainen, Business Manager. Deadline: April 4, 2003. For more information, check the CAPS' website: www.caps.mcgill.ca ICPC: www.crime-prevention-intl.org

—LEONE & ASSOCIÉS, Courtiers d'assurances, Montréal, recherche un(e) étudiant(e) de 2e ou 3e année pour mettre à jour le livre des minutes de l'entreprise et ce, conformément aux exigences des autorités gouvernementales. Le travail pourra être 'cédulé' en harmonie avec l'horaire de l'étudiant(e). Contact : Mario Leone
 Tél : 337-0440, poste 322
 Fax : 337-5079

2) IF YOU ARE GRADUATING IN MAY. THIS IS FOR YOU!

Comme par le passé, le Service de placement de la Faculté soumet aux finissants un sondage pour fins de statistiques. Nous souhaitons ainsi établir le portrait le plus juste possible de la situation du placement de nos diplômés. C'est donc dans cette optique que nous sollicitons votre collaboration et que nous vous demandons de prendre quelques minutes pour le remplir. All information gathered will be treated confidentially : It will only be used internally for administrative purposes. It would be greatly appreciated if you could complete the attached form (inquire at the CPO!) and return it to me or Melissa (NCDH, 4th floor) by Friday, March 28th, 2003. If you wish, you can also send the requested information by e-mail at Brigitte.st-laurent@mcgill.ca.

If you have any questions or comments regarding this graduating survey, please feel free to contact me by phone at 398-6618 or by e-mail. We greatly appreciate your co-operation and the time spent in completing & returning your survey. We congratulate you on completing your law degree. Best of luck in your future career!

3) THE CANADIAN BAR ASSOCIATION ***

Le président de L'ASSOCIATION DU BAR-REAU CANADIEN, Me Simon Potter, et Me Christiane Alary, Présidente de l'ABC, Division du Québec, viennent rencontrer les étudiants lundi le 24 mars prochain. C'est une excellente occasion de vous renseigner sur ce que l'ABC peut faire pour vous ! L'ABC offre à cette occasion pizza et bière aux étudiants.

Heure : Présentation (12:30) au Moot Court suivi du lunch (13:15) à l'Atrium.

4) TORONTO FIRST-YEAR RECRUITMENT & OTTAWA RECRUITMENT

For the students who participated in either recruitment process: please inform me of the outcome of the recruitment process. It will remain confidential.

5) BARREAU DU QUÉBEC

Les formulaires d'inscription à l'École du Barreau sont disponibles à OUS.

6) NEW YORK BAR EXAM

Dates of Bar Examinations/Application
 Deadlines: The bar examination is held twice a year, generally on the last Tuesday and Wednesday of July and February.
 Dates of the next scheduled bar examinations: July 29-30, 2003 Applications to take the bar examination must be postmarked no more than 120 days, nor less than 90 days prior to the examination for which application is being made. There is no provision for late filing except that for applicants who took the immediately preceding New York bar examination, the deadline for re-application is 21 days from the date of the applicant's failure notice, or 90 days prior to the examination, whichever is later. For more information: Web: www.nybarexam.org

7) BAR/BRI

Here is a message from Hugo Maureira:
 "To all registered or interested students: If you have not already done so, please e-mail me to confirm that you have registered or intend to register for this summer's BAR/Bri course in Montreal. It is absolutely crucial that I get an

accurate picture of who has registered or will be registering to ensure that BAR/Bri is offered at McGill this summer. If 15 people are not registered within the next few weeks the course will be withdrawn from McGill and students will be forced to either take

BAR/Bri in another city or in self-study format. Also, you MUST complete the "Course Location Reserve Form" (a blue one page form) when you register. If you have not done so, contact me immediately to make arrangements." Contact: Hugo Maureira, BAR/Bri Representative/Administrator, 514-841-1277, e-mail: hugo.maureira@mail.mcgill.ca

8) ARTICLING RECRUITMENT - ALBERTA

A Matching Program is again being implemented this summer for the recruitment or articling students for the 2004-2005 articling term for firms in Alberta. Extensive information is available on the Articling Student Matching Program web site, at www.natmatch.com/alberta. The preliminary list of participating firms for Alberta will be available on the web on or around April 1, 2003. The recommended date for students to return the Student Agreement forms to them is May 16, 2003. The dates for interviewing articling students for 2004/2005 for Edmonton and Calgary have been set by the Law Society of Alberta as follows:

June 2 to June 13 - Student recruitment period and blackout period

June 16 at 5:00 p.m. - end of blackout period and deadline for submitting Match Program Rank Order Lists

This only applies to Edmonton and Calgary and not elsewhere in Alberta and does not apply to students who have summered with the firm or are third year students (with the exception of 3rd year students of a 3.5 or

4 year program). To see the full text of the recruitment rules (Rules 46.1 - 46.2), please go to the LSA web site at www.lawsocietyalberta.com.

9) MY EASEL!!!

Le trépied métallique rétractable dont le CPO se sert pour annoncer les événements reliés aux activités de placement a DISPARU !!! Il est généralement placé près du passage reliant l'Atrium au OCDH (juste avant les marches vers le sous-sol). Je prierais aimablement celui ou celle qui me l'a emprunté de me le rendre dans les plus brefs délais.

Merci

Brigitte St-Laurent
 Director
 Career Placement Office ■

Call for Quid Volunteers

Many of us will be leaving next year, so the time has come to choose our successors.

Please drop us a line at quid.law@mcgill.ca before April 1st if you think you'd be interested in one of the following positions. Tell us who you are, what you've done, which position you are seeking, how great you think the Quid is, etc., and we'll get back to you. We will not turn anyone down: your help is invaluable.

Note: Between parentheses is the number of open positions.

Editor-in-Chief (1)

Duties: Organizes editing, layout and printing of the Quid; harasses Éric Blondeau whenever the printer is out of ink; is free to paint the Quid offices the color he/she wants, and to frighten intruders dressed in a gorilla costume.

Time commitment: Unlimited potential! 8-18 hours a week is required to prepare every issue, but division of labor can be arranged (there will be 2 editors-in-chief).

The perfect candidate: Is familiar with publishing (Quark) and imaging (PSP) software; likes spending hours in front of a flickering screen in an overly heated basement, while being entertained by the delicate sounds of toilets flushing; understands French and English; is somewhat masochistic, and has an attraction for unpaid, non-credited and thankless jobs (or is a previous LSA member).

Layout Editor (2)

Duties: Does the layout for the Quid every week; has to live with the Editor-in-Chief's mood swings.

Time commitment: 3-6 hours every other week.

The perfect candidate: Is familiar with publishing (Quark) and imaging (PSP) software, or is willing to learn; also likes spending hours in front of a flickering screen in an overly heated basement; enjoys chasing weird-looking bugs around the office while the editor-in-chief is listing the articles in a hurry.

Managing Editor (1)

Duties: Is in charge of Quid finances, and communicates with potential advertisers.

Time commitment: 2 hours weekly, with rush periods of 5-10 hours.

The perfect candidate: Is organized; is bilingual; knows how to use a calculator; has an ability to write formal yet not overly pompous letters; enjoys having angry messages left on his/her answering machine.

Associate Editors (1-3)

Duties: Proof-reads articles sent to the Quid.

Time commitment: 2 hours weekly, in a specific time-frame.

The perfect candidate: Has an excellent grasp of English and/or French; can resist the urge of inserting profanities when he/she disagrees with what he/she is reading; can live with knowing in advance what will be in next week's Quid.

Web Editor (1-2)

Duties: Improves and maintains the Quid web site (www.law.mcgill.ca/quid).

Time commitment: 1-3 hours every other week (depending on the number of applications).

The perfect candidate: Is familiar with web editing; takes pleasure in resetting an SSH password over and over again.

Other positions (TBD)

The Quid could always use cartoonists and photographers. We are also considering appointing "official collaborators" to cover news and events at and around the Faculty. This will be discussed over the following weeks with the new team. In the meantime, please let us know if you're interested.

"Tetley's Law and Other Nonsense"

<http://tetley.law.mcgill.ca>

Prof. Tetley has had personal website for the past five years. It contains not merely links, as most websites do, but **original source material**, which very few websites do.

- ❖ A very large **glossary of Maritime Law terms**
- ❖ A very large **glossary of Conflict of Law (PIL) terms**
- ❖ A detailed listing of the world's
 - 1) **major international maritime conventions**
 - 2) **national maritime laws of US, UK , Canada, France, China**
- ❖ **23 chapters of the fourth edition** of his next book "Marine Cargo Claims" to be published in 2006
- ❖ Many **articles** that he has written on **PIL and Maritime Law**
- ❖ Articles on **politics**
- ❖ Articles on **public life**
- ❖ Articles on **history**
- ❖ **Fun quizzes** on Xmas, ships and history and politics and US Presidents. etc., prepared by his daughter and friends.
- ❖ **Research links** - very extensive
- ❖ **A guest book**
- ❖ A very advanced and powerful **research engine**
- ❖ **Course outlines, old exams and model answers**

Got great help from Stephen Park and Robert C. Wilkins and student Witold Ciolkiewicz (see "Acknowledgments").

Prof. Tetley gets several requests by email for advice from around the world every day. The site gets 100 hits on the home page per day, but many many more on the glossaries and other materials. For example, at least 20 US law firms have made direct bookmarks from their websites to the glossaries and other sources on the website, thus by-passing the home page counter.

The website needs constant attention in upgrading the content.

Funding and support is required.

You can encourage Prof. Tetley by visiting <http://tetley.law.mcgill.ca>